

COUNCIL CHAMBER

Regular Meeting

July 11, 2017

The thirty-fifth meeting of the City Council of Charleston was held this date convening at 5:29 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media July 5, 2017 and appeared in The Post and Courier July 9, 2017 and are made available on the City's website.

PRESENT (12)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson (<i>absent</i>)	District 12

Mayor Tecklenburg called the meeting to order at 5:29 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Could I ask you, if you will, to please join Councilmember Gregorie and us for an invocation and then the Pledge of Allegiance to the flag."

Councilmember Gregorie opened the meeting with a moment of silence.

Councilmember Gregorie then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "Alright. First, I would just like to make everyone aware in the most unlikely event that we have to evacuate the building, in case of an emergency, there are the two exit doors from this room in the main Chamber, and there is an exit door from the room to my right. Do not use the elevator, but use the two stairways going downstairs and then the one front exit out the front of the building. If, again, in a most unlikely event that were to occur, I would ask everyone to gather in Washington Park next door.

First, there are just a couple of recognitions and proclamations this evening. I would like to ask John Beasley, Steve Campbell, and any representatives of our Recreation Department to come forward and join me. As they are coming forward, I want to share with you that Subway Restaurants announced John Beasley, of James Island, its 2017 Standout Coach for the

Lowcountry and presented him with a special award. He was selected from 65 volunteer coach nominations in Charleston and the surrounding counties for his outstanding leadership, his sportsmanship, community spirit, and dedication to health and fitness. Coach Beasley has coached youth sports for more than 30 years and has served as a volunteer coach for the City of Charleston Recreation Department at the James Island Recreation Complex since 1987. Subway Restaurants also announced Steve Campbell of James Island as a Runner-Up in the 2017 Standout Coach for the Lowcountry. Coach Campbell has coached for over 22 years for the City of Charleston at James Island Recreation Complex also and volunteers his cooking expertise at City events, and goes above and beyond on the ball fields to help us keep things in working order. Both gentlemen are of the highest integrity and have a love for sharing the game of baseball. The City of Charleston Recreation Department is fortunate to have both of these fine gentlemen as volunteer coaches. On behalf of the City Council, we would like to recognize and congratulate you and wish you continued success."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Thank you so much. Do you want to say a few words and introduce your family?"

John Beasley said, "Sure, why not? It's been a pleasure to work with the City the last few years. I tell you, you just don't know what it means to me and what it means to your community. Let me introduce my son, J.J., who also coached with me or, I think, I coach with him, and then two of my grandsons, the oldest one is Bryce, and Brock. This year, Bryce, the older one, we had the ability to coach him, and I tell you, it was just unbelievable what we were able to do in teaching this young man. He's been a pleasure, and I want to congratulate them. Also, I wanted to let you know how much I appreciate you guys recognizing people that spend time working with the City and really wanting to be a part of the community and have time to share with the kids. We're just trying to do the things that need to be done to instill in kids the right things to do, and one day you are going to have some great kids in the James Island and City community."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you so much."

Steve Campbell said, "I would really like to thank Robin Cooper, number one, who has done everything for me for 20 years. If I needed it, she got it, and it's a big deal. Laurie Yarbrough just goes above and beyond in supporting our programs, and it starts with the volunteers. If we didn't have them behind us giving us what we needed, we wouldn't get these things done. We have a tremendous program at James Island and the City of Charleston because of them supporting us as volunteers. We have done things other communities have not done, and that is why I love doing it. I don't have kids in the program anymore and, fortunately, my wife, who is up there, still lets me coach, so I'm very, very fortunate with that. I would really like to thank the City for supporting these programs and everything we try to accomplish through sports, just giving us better citizens in the long run. Thank you very much."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you. We sure appreciate you all. I think I'm an honorary member of the team now. Nice hat. So, next, I would like to recognize a lot of Rotarians who are here with us this evening and a lot of friends of mine, fellow Rotarians. First,

I would like to invite Arthur Jamison, he is the Chair of the Alzheimer's Gala and any other Rotary members, if you all want to come up to the podium that would be fine or do you want to speak from there?"

Arthur Jamison said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Mr. Jamison said, "I was going to accept the Proclamation, but the (District) Governor came himself."

Mayor Tecklenburg said, "Oh, great."

Mr. Jamison said, "So, he's going to accept it."

Mayor Tecklenburg said, "Oh, terrific. I will then proceed if I may, you all come up, Rotarians, all. So, we have a lot of Rotarians here tonight, and Councilmember Moody and Councilmember Shahid are Rotarians. Are there any other Rotarians on Council? If you all have ever been to a Rotary meeting at any of your local Rotary Clubs, they have this custom of having these little blue tubs on the table, and they pass them around. They call it the CART Fund every week, and what they have been doing for years is raising money for Alzheimer's research. They started this back in 1995 when Alzheimer's really wasn't recognized as much as it is today as such a national health crisis. So, anyway, I have this Proclamation that our Rotary District 7770, which is basically from Columbia to the Coast of Eastern South Carolina, supports the effort to find a cure for Alzheimer's through the CART Fund which stands for Coins for Alzheimer's Research Trust. The fund is a non-profit organization founded in 1995 dedicated to raising funds to provide seed money for cutting edge high impact research in hopes of finding a cure and prevention for Alzheimer's. As you know, Alzheimer's is a progressive disease that destroys memory and other important mental functions. The goal of the CART Fund is to encourage exploratory and developmental Alzheimer's disease research projects within the United States. This is accomplished by providing financial support. As of May 2017, the CART Fund had awarded \$6.5 million in 40 grants to recognize U.S. Research Institutions in efforts to ameliorate the dreaded disease that affects one in eleven males and one in seven females, and for which there is no cure for the more than 5 million Americans living with the disease today. Rotary District 7770 is sponsoring an Alzheimer's Gala at the Gaillard Auditorium on Saturday, July 22nd, that would be a week from this coming Saturday, to raise money to support the CART Fund. So, you don't have to be a Rotarian, you can come to the Gaillard a week from Saturday starting at 6:30 p.m. How much are the tickets?"

A Rotarian said, "\$100 per person."

Mayor Tecklenburg said, "\$100 per person, and it's going to the great cause of helping with Alzheimer's research, you see the support of all of these Rotarians behind me. So, I encourage, and here is another Rotarian, Bill Moody, come. Please join us. I encourage all Charlestonians to support the Alzheimer's Gala and to channel our collective talent, dedication, wealth, and worthy efforts to find a cure someday for Alzheimer's."

Mayor Tecklenburg read the Proclamation.

---INSERT PROCLAMATION---

There was applause in the Chamber.

Gary Bradham, District Governor, said, "Mayor, I would like to just say thank you so much for the Proclamation, and on behalf of the 4,000 Rotarians in District 7770, we accept the Proclamation, and we look forward to a wonderful evening in Charleston, July 22nd, and we hope everyone will join us for the Alzheimer's Gala. Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Great, and Mr. Arthur Jamison, he has really been the mover and the shaker behind this particular event. Arthur, do you want to share any words?"

Mr. Jamison said, "I was ready to give my speech about the Rotary, but then the (District) Governor called me about an hour and a half ago and told me he was on the way to Charleston. I said, 'Really?' He said, 'Yes.' So, I said, 'Come on, you can take my spot.'"

There was laughter in the Chamber.

Mr. Jamison continued, "I'm going to tell you a little joke. We were at the Rotary Convention last week, and I had a chance to see the head of Microsoft, Bill Gates. The thing they said about Bill Gates was after he gave his speech and he gave \$450 million was that he wasn't a good speaker. So, the word was he didn't need to be a good speaker after giving \$450 million."

There was laughter and applause in the Chamber.

Mayor Tecklenburg said, "So, are you committing \$450 million at the Gala? Is that it?"

There was laughter in the Chamber.

Mayor Tecklenburg said, "Well, let's give one more round of applause to the Rotary and all of their efforts. Thank you."

Mr. Bradham said, "Mayor, I want to give you one of my Rotary Challenge Pins for this year, Rotary, making a difference. Thank you for helping us make a difference here with Alzheimer's."

Mayor Tecklenburg said, "Terrific. Absolutely. Next, I would like to invite the Executive Director of Pro Bono Legal Services back up to the stage, Alissa Lietzow, who is also a Rotarian, attorney Gerry Kaynard, and Charleston County Bar Association President Scott Moise. Is Scott here?"

Someone said, "Yes."

Mayor Tecklenburg continued, "So, today we are recognizing a milestone in our ability to provide pro bono free legal services to the Charleston community. For the past 50 years, Pro Bono has assisted an estimated 80,000 residents of Charleston with legal services provided at no charge. A Neighborhood Legal Assistance Program's dedication to helping those with low income for the past half century is worthy of recognition. I look forward to seeing their positive impact in the years to come. So, I also have a Proclamation for Neighborhood Legal Assistance, currently known as Pro Bono Legal Services."

Mayor Tecklenburg read the Proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Congratulations for your fine work everyone."

There was applause in the Chamber.

Mr. Gerald Kaynard said, "Thank you, Mayor, Mayor Pro Tem, Councilmembers. We have some of our representatives of our Board, I would like for you all to come up and join us, as well, our Board of Director members who are here. We also have summer interns, the Ackerman Fellows. We have three of those who are here studying with us and training in public interest law. We are very happy to accept this Proclamation on behalf of the Board and all of those associated with Pro Bono Legal Services. Last week we celebrated the 241st Anniversary of the Declaration of Independence. We are a nation, a country rich in the history of liberty and freedom, and with this Proclamation today, we mark our 50 year anniversary of the creation of the first legal service program in Charleston. That was on July 19, 1967. So, for better or worse, we lawyers have created a country of rules and laws, a justice system with a purpose to guarantee individual freedoms. That's why we did that, and as Martin Luther King, Jr. once said, 'Injustice anywhere is a threat to justice everywhere.'

So, in Charleston 50 years ago, seven lawyers from the Charleston County Bar Association created and chartered the Neighborhood Legal Assistance Program, which started out as an office on Spring Street in D. Ward Wilson's, next to his pharmacy, with three people and grew to a program that was from that one office to an 11-county program with eight offices serving people all over the coastal South Carolina, the largest legal service program in the state. So, I wanted to recognize particularly those seven founders who created this program which has served thousands of clients without charge. Those seven founders were Coming Ball Gibbs, Jr., Arthur Rosenblum, Judge Richard Fields, who still serves on our Board today, Judge Bernard Fielding, Laurence O. Stoney, Joseph "Pete" McGee, who was a member of this City Council, and Ian Goldberg. They deserve a tremendous credit for their foresight in what they did and what they have created that has lasted for 50 years, all of those clients and their families benefited from the free legal services that were provided. Today, more than 400 lawyers from the Charleston County Bar Association take our clients and represent them without charge. So, I wanted to recognize, as well, Scott Moise, who is President of the Charleston County Bar Association, and also Councilmember Peter Shahid who is the President-Elect of the Charleston County Bar Association. The Bar Association is our primary sponsor, and they deserve all of the credit for this 50 years of legal services. We happen to be the only independent County Bar Association Legal Service Program in the State of South Carolina. So, a big thank you to our Bar Association sponsors. Thank you, Scott."

There was applause in the Chamber.

Mr. Kaynard continued, "While we celebrate our past, we always have to plan for the future, and so today, we have with us three of our four Ackerman Fellows. These are law students who are being trained in public interest law in a six week internship program. So, I have with me today Natalie Gideon, who is from Georgetown University Law School; Alyssa Agostino from the University of Alabama Law School; and Sadaf Chaudhry from the University of Florida Law School. We hope that they will choose a public interest law career. When this is completed, it's almost complete, this is our anniversary poster, and we will present one of these

to the Mayor and City Council. As you see, it says, '50-year Celebration', but very importantly, we have City Hall on that poster, and the reason we have City Hall on that poster is because this is the center of justice for our community. So, Mayor and Councilmembers, we thank you for your dedication and your efforts to serve in the public interests together. We hope we will all provide fairness and access to justice for all."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you all. Glad to see a Georgetown graduate as part of these efforts. So, next, we'll be moving on to our public hearings, and being our once a month meeting, we only have 16 public hearings to conduct. So, we'll get started with the first one, which is a zoning change at Lee and Nassau Streets, and I'll turn it over to Mr. Christopher Morgan for a brief introduction to each of our public hearings, Mr. Morgan."

Christopher Morgan said, "Thank you, Mr. Mayor, members of Council. The first public hearing before you, Item E-1, is approximately 1.46 acres. We'll have the slides up for you in just a minute. It's in the intersection of Lee Street and Nassau Street. It's a property that is currently Zoned General Business. It would be rezoned to the MU-1/Workforce Housing. It's owned by the City. It's property that the City is transferring to the County Housing Authority. Here is the image of the property. Again, Meeting Street here, Lee Street to the north, Nassau Street running north/south, and Cooper Street to the south. There is surrounding property of General Business here, and then DR-2F in the existing neighborhood. There is also a MU-2/Workforce Housing to the north and across the street. The request is to rezone to the Mixed-Use/Workforce Housing, MU-1/Workforce Housing, which corresponds with Limited Business-type uses, which limit operation of most businesses to 11:00 p.m. at night because this is more in the neighborhood rather than out on Meeting Street. We just have some aerial images of the site. Again, you're probably all very familiar with it and watched the recent information about the transfer. The City is just following up with getting this zoned properly for the type of development the Housing Authority will be doing on the site. Both the Planning Commission and staff recommend approval."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Please come forward. If not, the matter comes to Council."

Councilmember Mitchell said, "Move for approval."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "It's been moved and seconded. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Williams, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Lee Street and Nassau Street (Peninsula) (approximately 1.46 acres) (TMS #459-05-04-207) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by the City of Charleston.

Mayor Tecklenburg said, "Next, Mr. Morgan."

Mr. Morgan said, "Item E-2 is a rezoning for a new West Ashley Branch of the Charleston County Public Library, so we're very excited about seeing this move forward. This is an area to the south of the West Ashley High School. On the map before you, this is West Wildcat coming off of Glenn McConnell Parkway leading to the West Ashley High School which is in this location. There will be a future middle school roughly in this area here, Carolina Bay is to the south, and the West Ashley Villas, I believe, are to the east. The request is to rezone to General Office which would allow the library. Both Planning Commission and staff recommend approval."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter?"

No one asked to speak.

Councilmember Riegel said, "Move for approval."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Is there any discussion, comments, or questions?"

Councilmember Williams said, "I would like to make a comment."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Williams said, "That is my district. Well, it borders three of our districts, Councilmembers Wagner and Riegel, but it is a very exciting time for District 2 and the West Ashley Villas. That area is just emerging to what we all expected it to be a decade ago, a community living within a community. It's an exciting time for us, and I really appreciate you moving forward with this library. Thank you."

Mayor Tecklenburg said, "Great. Thank you. Are there any other questions or comments?"

No one else asked to speak.

On a motion of Councilmember Riegel, seconded by Councilmember Waring, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located off Sanders Road (West Ashley) (approximately 4.36 acres) (portions of TMS #306-00-00-011, 087 and 088) (Council Districts 5 and 2), be rezoned from Single-Family Residential and Diverse Residential (SR-1 and DR-6) classifications to General Office (GO) classification. The property is owned by Charleston County School District.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Alright. The third one is 82 Spring Street. This is a historic residential structure on Spring Street. It's currently zoned DR-2F, and the request is to bring it into

conformance with the adjoining zonings, which are Limited Business on either side. We have an aerial image of the property, and you can see a historic house there on Spring Street, a beautiful structure, and the request is for Limited Business for the front portion of the property. Both the Planning Commission and staff recommend its approval.”

Mayor Tecklenburg said, “Alright. Would anyone like to be heard on this matter?”

Councilmember Waring said, “Move for approval.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “If not, it comes before Council, we have a motion to approve and a second. Is there any discussion or questions?”

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 82 Spring St (Cannonborough-Elliottborough - Peninsula) (0.09 acre) (a portion of TMS #460-08-03-176) (Council District 3), be rezoned from Diverse Residential (DR-2F) classification to Limited Business (LB) classification. The property is owned by William K. Turner.

Mayor Tecklenburg said, “Mr. Morgan.”

Mr. Morgan said, “Okay, Item E-4 is 1809 Beechwood Road in West Ashley. It’s just off Ashley River Road. Here is Ashley River Road running roughly north/south. Beechwood Road is here. I believe there are some elderly assisted living facilities on the other side of Beechwood Road. There is General Business immediately fronting on Ashley River Road. The request is to rezone from SR-1 to SR-6, which would allow a little bit higher density of Single-Family Residential. The Comprehensive Plan calls for this area to be what we call our ‘Highway Commercial.’ So, given that this was not even as intense as the commercial that fronts on Ashley River Road behind it, we felt comfortable that a rezone here would be appropriate, and both staff and Planning Commission recommend it for its approval.”

Mayor Tecklenburg said, “Alright. Would anyone like to be heard on this matter?”

Councilmember Williams said, “Move for approval.”

Councilmember Lewis said, “Second.”

Mayor Tecklenburg said, “It has been moved and seconded, are there any questions or comments?”

No one asked to speak.

On a motion of Councilmember Williams, seconded by Councilmember Lewis, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1809 Beechwood Road (West Ashley) (0.89 acre) (TMS #354-07-00-005) (Council District 2), be rezoned from Single-Family Residential (SR-1) classification to Single-Family Residential (SR-6) classification. The property is owned by Matt Chambers.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Okay, the next property is 575, 577, and 579 Meeting Street located also adjacent to Walnut Street. The request is for a rezoning from General Business and Light Industrial to Mixed-Use/Workforce Housing (MU-2/WH). There are currently warehouses on the property and older commercial structures. I'll give you an image of that. This is Meeting Street running roughly north and south. There is MU-2/WH to the south with the One80 Place property and MU-2/WH to the northwest with the old Palmetto Brewery property. Then, the City of Charleston Housing Authority property is just to the north, and the old Regis Milk Company across the street to the east. I should have some images here of the site. Here we go with an, I guess, 1980s era warehouse and then some older commercial buildings up towards the front on Meeting Street. Both staff and Planning Commission recommend approval of the rezoning to MU-2/WH."

Mayor Tecklenburg said, "Thank you. Would anybody like to be heard on this matter?"

Councilmember Mitchell said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "There is a second, are there any comments or questions?"

No one asked to speak.

Mayor Tecklenburg said, "I would like to bring to Council's attention that this property is the same property in question that came up for quite some discussion when we had our meeting over on James Island. Council had approved an extra requirement for the use or establishment of a storage facility. That led to a chain of events that even though the applicant was advised that they could have come back and gotten a Light Industrial Zoning and proceeded with plans for a storage facility, they ended up as happened would be, an equitable offer or a better offer, I guess, for this to become housing. So, hence, their application for it to become MU-2 and, of course, with our changes tonight, we'll provide even more affordable workforce housing units for our City, so it was a good turn of events in my opinion. Are there any other comments or questions?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 575, 577 and 579 Meeting Street and property located on Walnut Street (Peninsula) (1.33 acres) (TMS #463-16-04-021, 020, 019 and 034) (Council District 4), be rezoned from General Business and Light Industrial (GB and

LI) classifications to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Grant Realty Corporation.

Mayor Tecklenburg said, "Item E-6, Mr. Morgan."

Mr. Morgan said, "Okay, this is property that is immediately adjacent to the Norfolk Southern Line, the area that you all know of commonly as the potential future Lowline, and this is property that, I believe, is currently owned by Norfolk Southern."

Councilmember Seekings said, "Mayor, can we take Items E-6, E-7, and E-8 together?"

Councilmember Mitchell said, "No, I wouldn't like to split it up."

Councilmember Seekings said, "Keep it separate?"

Councilmember Mitchell said, "Yes, keep it separate."

Councilmember Seekings said, "Alright. Sorry."

Mayor Tecklenburg said, "Could I respectfully ask that we take Item E-6 separately and then Items E-7 and E-8 together, because one is zoning and the other is height."

Councilmember Mitchell said, "Right. Yes, that's fine."

Mayor Tecklenburg said, "Yes, sir."

Mr. Morgan said, "Alright. So, Item E-6 is to rezone from Light Industrial which is its current zoning now, and there are some warehouses on the property, to Mixed-Use/Workforce Housing (MU-2/WH), which the adjoining property to the east is zoned, as well as other properties in the surrounding area. We have an aerial image so you can see that again. Even though it was owned by Norfolk Southern, they land leased it for the storage uses that were on the property. Given the surrounding zonings with the MU-2/Workforce Housing across the way, and the fact that it's in our urban core, staff is comfortable with this request, as was the Planning Commission, in recommending approval."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, it comes before Council."

Councilmember Mitchell said, "Move for approval."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have a motion to approve. This property will also be zoned to MU-2/Workforce Housing. Is there any discussion or questions?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Waring, City

Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Line St (Peninsula) (0.517 acre) (TMS #459-05-03-136) (Council District 4), be rezoned from Light Industrial (LI) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Norfolk Southern Rail.

Mayor Tecklenburg said, "We'll take Items E-7 and E-8 together."

Mr. Morgan said, "Okay, and these are on Line Street. Item E-7 is 52 Line Street and Item E-8, I'll show you the map for that in just a second, but Item E-7 is, again, Norfolk Southern property, at present. There is a cell tower on it to the rear. It has recently been making its way through the channels to get the General Business zoning on the property. Here is an image showing the existing height unit limits in the surrounding area. Of course, it is currently 55/30, and it is recommended in our new height-by-stories for an eight-story designation. Then, Item E-8 is the same property you just saw for the rezoning from Light Industrial to the MU-2/Workforce Housing, but in this instance they are also asking for the height change as well. Our staff did not recommend for either one of these requests because we feel that the height changes that are coming, with the conversion to the stories, would have fulfilled the needs on these sites for the appropriate heights that had been discussed with applicants and that meet the City's plans. However, because of contractual obligations, the applicants felt it was in their best interests to request a height change here under the old system. Of course, that old system would go away with the approvals subsequently by Council for the new height limits in stories. So, at present, they are requesting to go to the existing 100/30 foot height district on both of these parcels. Both of these parcels would go into the eight-story zone in the new height districts. That's why we had not recommended for it, because we felt the new height districts would cover this issue, but the Planning Commission did recommend for this request."

Mayor Tecklenburg said, "Would anyone like to be heard on these two matters? Yes, sir."

1. Richard Gowe of LS3P, representing Friends of the Lowline, said they were not sure the height would be approved, and they could not buy the property unless it was eight stories. If the request for eight stories passed, his client would not need 100 feet, therefore, Council could hold off giving a final reading. They were trying to get the eight stories approved, so that the property could move into development.

Mayor Tecklenburg said, "Would anyone else like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "If not, the matter comes before Council."

Councilmember Seekings said, "So moved."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, this is part of the district I represent and I understand what they are looking for with the 100 feet, but there is nothing that high in that

particular area. In doing this, if it goes that high, it is really going to throw off the character of that particular community and that particular area. That's the only problem I have with the change from what it is now to 100 feet. I believe we should wait and go along with the new zoning that we have in place that is going to set the precedent for what is going to be coming soon. I can't support going up 100 feet right now. I can't do it. The community doesn't want it either. So, I can't support that right now, as it is. I would have to vote against it."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Correct me if I'm wrong, but we've had a similar request in the past, and we denied it."

Mr. Morgan said, "On this property?"

Councilmember Gregorie said, "Not on this property, but on that side of Line Street because the Overlay stops at the north side of Line Street. Am I correct?"

Mr. Morgan said, "There have been other requests further north of Line Street. I'm not sure if we have on this side. I know we've had some a little bit further up."

Councilmember Gregorie said, "Well, if I recall, someone came in with a similar request, and we denied it. I think that we need to wait until we complete what we're doing. I agree with staff, in other words, on this one, and I'm not sure whether or not eight stories would work, given the current heights of all the surrounding neighborhoods. So, if we pass the new zoning requirements, I would put everything on making sure that it's consistent with the current area which may be restricted to eight stories, with the Overlay that we're currently working on. I just want the record to reflect that we did deny someone some time ago that wanted a similar height because it was on the north side of Line Street, because this is on the north side."

Councilmember Lewis said, "It's on the north side."

Councilmember Gregorie said, "Right. Correct me if I'm wrong, our height stops on the south side of Line Street. You can go as high as what, 100 feet?"

Mr. Morgan said, "I'll show you an image of the present height maps. So, what you're seeing here in the teal color is the 55/30 Zone, as it exists today, up in this area. It's on both sides of Line Street, and then you have the Urban Height District, and the Post and Courier development that's under way, Courier Square Phase 1, is under there. Then you go up to the 80 foot zone that's up here, where there's a site just getting under way. Pilings are just going in the ground right now for a new apartment building there."

Councilmember Gregorie said, "Okay, that's what I thought. I can't support this."

Mayor Tecklenburg said, "Are there any other comments or questions?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. So, Mr. Morgan, do you have the new height maps that we voted on?"

Mr. Morgan said, "Yes, these are the recommended new heights, and this is an eight-story zone through here."

Councilmember Seekings said, "Right up along where your pointer went, that's where the Norfolk Southern right-of-way is, where the Lowline's going to go, right?"

Mr. Morgan said, "This would be the location of the Lowline right-of-way, and then the subject parcels are here and here."

Councilmember Seekings said, "So, we've already given two readings to the map that you're showing us right now, and it's coming back for a third reading next month. What I understand Mr. Gowe to have told us was that they needed to make sure, in order to meet their contractual obligations to sell this property, they have to have that at least eight stories, under the current zoning. Just by coincidence, we have a gap of 30 days in between now and when we're going to hear this again. It's really an ability to be able to transfer this property, and then we're going to come back with a map we've already approved with two readings and give them their eight stories. So, I don't know why we wouldn't allow this property to transfer and get into that zoning scheme, that again, we've approved, I don't think we're going to change it, and allow the Lowline process to go forward. So, I'm going to support it because, in the end, this is going to be in the eight-story zone, and it's going to be zoned eight stories. Am I right?"

Councilmember Gregorie said, "We don't know that yet."

Councilmember Seekings said, "Well, unless we vote differently, we've already voted twice."

Mayor Tecklenburg recognized Councilmember Waring, followed by Councilmember Williams.

Councilmember Waring said, "I hear Councilmember Seekings, but I do not believe we should play games with City ordinances to facilitate a deal because that would be setting a precedent. We're going to use our City ordinance as a piece of putty to shape and move around and facilitate a private sector deal. What they really need to do is get an extension for 30 days, and we should go along with the overall planning for the Overlay District, as we've done before, and not alter it for one, two, three, or more transactions. I just don't see that being in the best interests of the City to do it that way. With all due respect, Councilmember Seekings, I'm going to support Councilmember Mitchell."

Councilmember Williams said, "Just as Councilmember Seekings said, I think, I understand when people see these new tall buildings, they do have some concerns, especially Courier Square. There have been many times in my four years that we have made adjustments for people who are doing good work in the City to move forward. All we're doing is giving them a transfer of a height that they're going to automatically get in the second reading. I think it's reasonable. This project is a development project that, I think, many people feel is a good project for the City, a good project for the public realm of the City. So, I really don't see the problem. As Councilmember Seekings just said succinctly, he's going to get it anyway because this is a second reading. We have specific things that have asked to be brought back in this height district, and I don't see any of those meddling with that project being able to get eight stories. Based on that, I will support it."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, I'm not knocking what's going on in the Lowline. I believe they have a wonderful project, but no one lives in that district, or drives that district, except me. I'm there every day, and this is what my constituents are telling me. I'm talking about the 100 feet. They're talking about 100 feet here, changing it from the 55/30 to 100/30. So, if 80 is going to be the new height district in that area, then that's what it's going to be, if we vote on it. I'm not going to jump the gun and support this now unless the 80 feet are going to be there under the new ordinance that we already have in place. This is why we have that in place because we were hearing what the community is saying. That's why this came up about the different things that were happening in the community. So, that's all I'm saying. It's the 100 feet I'm talking about. If it's going to be 80 feet, it's going to 80 feet, but I don't know if it's going to be 80 feet yet, or not, until we vote on it. We already voted on it before in the first and second readings. Then it's going to happen, but I'm not saying 100 feet, we're talking about 100 feet. We are not saying 80 feet on this paper here, we are saying 100 feet."

Mayor Tecklenburg said, "Are there any other questions or comments? I don't know that we had a second to the motion originally."

Councilmember Gregorie said, "This is more of a comment."

Mayor Tecklenburg recognized Councilmember Gregorie

Councilmember Gregorie said, "If you look on Line Street, I think a part of the reason why we're attempting to define height is because it's sort of gotten away from us. All you have to do is look at that monstrosity on Line Street that doesn't fit in with anything. It just stands out. Now, we're in here talking about, because of a deal, allowing or approving something at 130 feet. It just doesn't make sense to me. I agree, perhaps they need to get an extension, because if we vote on this tonight, we're still voting on someone being able to build 100 feet. Come on. I can't support it, Mayor."

Mayor Tecklenburg said, "Well, let me point out that the height district among our Central Business District between King and Meeting Street has for, I think a couple of decades now, been in the 80 to 100-foot range, and admittedly, it's only been recently that the market has brought forth product that reaches those heights. So, it is something for you to consider in the third reading of what will come back to Council in August, we've given it two readings already. The concept is that the core Central Business District is a portion of our City that should enjoy, if you want to call it that, the most density and the most intense development in our City. So, I agree that to do this matter tonight jumps the gun a little bit, and it's right in the middle. I admit it's bad timing and all like that. So, I would entertain a motion to defer this matter until the next meeting, and then we'll go ahead and deal with, of course, our BAR and our height districts, and it will resolve the issue that way."

Councilmember Seekings said, "Mayor, I have the motion on the floor, and I would like to amend my motion actually to give this first reading and then with a specific requirement. I've got the motion on the floor."

Councilmember Williams said, "Second."

Councilmember Seekings said, "I would like to amend the motion to approve this and to not give it second reading until after we've taken up this height district, and then, it will take care of all of that and will not jeopardize what is a contractual obligation which, by the way, is now in

the MU Zone that we just adopted where we want to have affordable housing. So, we want this thing to move forward. We're just going to slow it down if we defer this."

Councilmember Waring said, "Mayor, a point of order."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "Your motion to defer takes precedence?"

Councilmember Lewis said, "Yes, definitely."

Councilmember Gregorie said, "I move to defer."

Mayor Tecklenburg said, "I expressed that I would entertain a motion to defer."

Councilmember Gregorie said, "I move for deferment."

Mayor Tecklenburg said, "We have a motion to defer. Do we have a second?"

Councilmember Riegel said, "I'll second it."

Mayor Tecklenburg said, "It does take precedence. So, we'll vote first on the motion to defer. Are there any comments or questions about the motion?"

No one asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilmember Riegel, City Council voted to defer Items E-7 and E-8:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 52 Line St (Peninsula) (approximately 0.90 acre) (right-of-way) (Council District 4), be rezoned from 55/30 Old City Height District classification to 100/30 Old City Height District Classification. The property is owned by Norfolk Southern Rail. (DEFERRED)

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Line St (Peninsula) (0.517 acre) (TMS #459-05-03-136) (Council District 4), be rezoned from 55/30 Old City Height district classification to 100/30 Old City Height district classification. The property is owned by Norfolk Southern Rail. (DEFERRED)

The vote was not unanimous. Councilmembers Shahid, Seekings, and Williams voted nay.

Mayor Tecklenburg said, "The motion to defer passes. Next, we will go back to Item E-9 on Maybank Highway, Mr. Morgan."

Mr. Morgan said, "This item is deferred. It is a request related to an annexation request that is pending, but it would involve portions of the property being zoned for General Office up here in the cross hatch, and then the portions to the south would be zoned Business Park, and it would be marked as deferred."

The Clerk said, "Mr. Morgan, didn't we take Items E-6, E-7, and E-8?"

Mayor Tecklenburg said, "We took Items E-7 and E-8 together."

The Clerk said, "Right."

Mayor Tecklenburg said, "So, we deferred both of them. So, we should now be on Item E-9."

The Clerk said, "Okay, but that's deferred as well."

Councilmember Lewis said, "That's deferred, according to the agenda."

Mayor Tecklenburg said, "Sir."

Councilmember Lewis said, "According to the agenda, Item E-9 is deferred."

Mr. Morgan said, "Yes, Item E-9 is deferred."

Mayor Tecklenburg said, "I'm sorry, you are correct."

Mr. Morgan said, "Yes."

Councilmember Seekings said, "We still have to have a public hearing."

Mayor Tecklenburg said, "I apologize. So, we should be on Item E-10."

Councilmember Seekings said, "No, sir. We have got to have a public hearing."

Mayor Tecklenburg said, "We are on Item E-9."

Mr. Morgan said, "So, it is a request to go to General Office for the northern portions of the site up towards Maybank, and Business Park for these areas in gray to the south towards Cane Slash. The Planning Commission recommended disapproval, and it will be coming back before you all at a later date, but it was advertised as part of the public hearing agenda."

Mayor Tecklenburg said, "Okay. So, would anybody like to be heard on Item E-9? Please come forward. State your name and address. We will not be taking action on this matter tonight."

1. Carolyn Rayburn of 3044 Cane Slash Road agreed that there needed to be a business and office park on Maybank Highway, but was concerned about the effects of the project's shape, traffic flow, parking, and lighting on residential areas. She asked Council to not approve it.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter? Yes, sir."

2. Andy Smith said he worked with the seller, and they chose these zonings because they limited residential development, which was a big issue on Johns

Island. They hoped to keep people from traveling off the Island as much. Business Park Zoning required very specific buffer, lighting, and impact requirements to adjacent properties, as well as a structural buffer.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter?"

No one else asked to speak.

Mayor Tecklenburg said, "If not, we're going to move on now to Item E-10."

Mr. Morgan said, "Item E-10 is at the intersection of Bees Ferry and Hughes Road. To orient you to this map, this is Savannah Highway coming into the City of Charleston. This is where the realigned Bees Ferry comes into Savannah Highway at a signal here. The old Bees Ferry had a road that intersected Savannah Highway, and this location is now a frontage road that provides access to this property. This property was Zoned R-4 in Charleston County, and we typically do bring properties that were R-4 in Charleston County into the City as SR-1, and both the Planning Commission and staff recommend approval of that request."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Item E-11 is 938 Savannah Highway. This is a request to come into the City and be Zoned General Business. The adjoining property to the west is Zoned General Business. This is an existing commercial structure. You can see here the parking lot to the rear, and it's been used in the past as a commercial business. Both the Planning Commission and staff recommend approval for General Business on this property."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "We're going to come back to the vote on this, and we're going to vote on Item E-10 later in the meeting, as well, because before we can zone them, we've got to annex them, and that's later in the agenda. Item E-12, Mr. Morgan."

Mr. Morgan said, "This is a residential property on Pierpont Avenue. It was R-4 in Charleston County and would come into the City as SR-1, which matches surrounding compatible zoning in the neighborhood. Both the staff and the Planning Commission recommend approval."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one asked to speak.

Councilmember Riegel said, "I move for approval. That's my district, District 10."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "Alright. Is there any discussion or questions?"

On a motion of Councilmember Riegel, seconded by Councilmember Williams, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1642 Pierpont Avenue (West Ashley) (approximately 0.46 acre) (TMS #353-03-00-129) (Council District 10), be zoned Single-Family Residential (SR-1) classification. The property is owned by Dan and Pamela Dugan.

Mayor Tecklenburg said, "Item E-13, Mr. Lindsey."

Jacob Lindsey said, "Thank you, Mr. Mayor and members of Council. This is an ordinance before you related to what we call Neighborhood Commercial Areas, and these are areas such as the Upper King area between, say, Carolina Street and Mt. Pleasant Street or East Bay Street on the west portion where it borders Ansonborough where there are commercially zoned properties that are immediately adjacent to residential properties. Restaurants, as you know, can cause major quality of life issues for adjacent neighborhoods. This is a provision which says that if a restaurant has an offsite parking location, which many do, they obtain their parking requirements by an offsite lot, and should that lot be located adjacent to a residential parcel, that they go to the Board of Zoning Appeals for a public hearing. This ensures that restaurants coming into residential areas have had an adequate public hearing. This has worked very well for restaurants in the past, some like Trattoria Lucca, which was a restaurant that went through that process. It allows resident concerns to be heard and allows the Board of Zoning Appeals to consider the impact of, specifically, restaurants which border residential areas. This also occurs in a number of locations off the Peninsula, including Avondale, which is one of the most prominent, and I am sure all of you are aware of the parking issues that occur in that location. So, that's what this change does, and it allows a BZA public hearing for areas such as these."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Please come forward."

1. Mohammed Idris asked if the restaurants were going to have bars in them.

Mr. Lindsey said, "This ordinance does not specifically refer to whether or not a bar would be in the restaurant. So, this is not about bars, I want to be clear. It's restaurant uses and catering uses. That's what is being considered on the floor. There may be in the future bars or restaurants in those locations. This ordinance is only about restaurants and catering uses."

Mr. Idris said they did not need more restaurants between Carolina and Mt. Pleasant Streets on King Street because they had enough.

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard on this matter?"

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, it comes to Council."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Mr. Lindsey."

Councilmember Lewis said, "Move for approval."

Councilmember Seekings said, "Second."

Councilmember Lewis said, "Now, we can have a discussion."

Councilmember Waring said, "I know the issue is off-street parking in these neighborhoods. Is it correct that currently restaurants/bars only have to account for every 12 patrons with one off-street parking space?"

Mr. Lindsey said, "You've stumped me. It's not by patron number, it's by square footage of patron area, and they abide by the regular commercial requirements that would be subject to any other retail use. It's calculated on the basis of the patron use area of the restaurant. So, for example, the kitchen is not included in that calculation."

Councilmember Waring said, "That's right. By so many square feet, you are allowed so many patrons. Anyway, my understanding is for every 12 patrons, they have to account for one off-street parking space, but we can check that."

Mr. Lindsey said, "Right."

Councilmember Waring continued, "The point being is that it's an unrealistic number. I don't know the last time I've hauled 12 people in my car, and that is what is creating problems in these neighborhood districts. In this case, I think that what we are asking for is, we have to go to a Board and get approval. Am I right here? The restaurant has to go and get approval. I think, number one, if that is, in fact, the case, where the ordinance requires or allows one off-street parking space for every 12 patrons, we need to change that, maybe, in addition to what we're talking about here. My understanding is where Leon's Garage and some of these other places have come up on King Street, Race Street, Huger Street, that's the situation. We need to look at the parking allowance. We don't even allow that for office space. We don't allow that for commercial space. When you look at the useable amount of square feet that the patrons will use, whether it's medical office space, general office space, commercial space, or in this case, restaurants/bars, it is very liberal, quite frankly, for the restaurant/bar-type industry. That's something that's been allowed to slip underneath the radar screen, and that's what's creating the problem. So, I am not against going in front of, getting extra approval, but until we drill down and do away with that issue, the number of patrons per square feet allowed that requires an off-street parking space, we're going to still have this problem. To me, I think that's a way around not dealing with the problem. I'll be happy to be wrong on that, by the way, but I don't think I am. Let's say, it's ten patrons for every one off-street parking. We need to change that, as well, Mr. Lindsey."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilmember Lewis.

Councilmember Shahid said, "Just for clarification, in the event that this off-street lot adjoins a church, would this ordinance apply to that?"

Mr. Lindsey said, "That's not specified in this ordinance. No."

Councilmember Shahid said, "I'm just trying to visualize a lot of these restaurants and the adjoining property would, maybe, affect a church lot. So, I'm not sure that this protects that type of property or that use of property, as well."

Mr. Lindsey said, "The intent of this ordinance is to allow neighborhood concerns to be heard in a public hearing if the parking adjoins a residential property. It doesn't speak to church properties."

Councilmember Shahid said, "Only residential, but not a church property."

Mr. Lindsey said, "That is correct."

Councilmember Shahid said, "Okay."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I certainly agree with Councilmember Waring. We really need to look at this ordinance a little harder. I thank you all for what you are trying to do because we have a lot of problems in the Upper Peninsula, and we brought this to your attention. I think, if I'm not mistaken, just like you said, this information came from the Zoning Administrator. A certain piece of property that we were fighting trying not to be zoned was zoned by the Zoning Administrator because the owners claim their right to space that they're going to use in the building. The Zoning Administrator still approved it for this particular restaurant to open up. That's one thing we need to look at again. The second thing you said is off-street parking lots, we need to make sure that these businesses, two and three businesses, are not using the same lot. This needs to be put in the ordinance because that's the other problem that we're having. We have one to two businesses right now using one lot, and this third business is about to open and is going to use that same lot. There are only 27 parking spaces in that lot. I walked around, and I counted. I think we need to make this more specific. Really, I choose to defer this and bring this back to the next meeting and just put some more information in there about the City, and if one business is using that lot, and it's not sufficient enough for the space for cars they shouldn't be able to say they're leasing this space. You know exactly what I'm talking about, and I'm not knocking you. I appreciate when we have brought something to your attention about the restaurants, and about the ugly looking high, tall buildings, and you all are working on it. We appreciate it, but I ask that you just tighten up your language. Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Lewis said, "I ask that we defer this."

Mayor Tecklenburg said, "We do have a motion to defer."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "There's a second."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Seekings.

Councilmember Moody said, "When I first read this thing, it seemed pretty simple and not much to it, although I understand what you're trying to do, but I agree after listening to Councilmembers Waring and Lewis. To me, there's a lot more that needs to be done to make this appropriate. Do we have the right numbers? Have we considered employees in those numbers? This is just for new restaurants, right?"

Mr. Lindsey said, "That's correct."

Councilmember Moody continued, "All of the other restaurants that may be around, it doesn't apply to them. So, all of a sudden, if I want to sell a restaurant that's in existence that's causing a problem, it has more value than a new one because I don't have this parking requirement. Maybe there needs to be some consideration given to that kind of stuff, and going to back to what Mr. Lewis said, I had a gentleman that talked with me about how he rented out parking places for variances. In other words, if people needed ten spaces, he would rent them ten spaces, and you've got a ten-year lease in here, but if they quit paying the rent, he's got some civil claim against them, but you've got to go to court, whatever, but you've got somebody else standing in line that wants to rent them. He just throws them out and puts somebody else in and keeps going. Then, you've got a business that is non-conforming because they don't have the spaces that they said they were going to rent. So, it seems to me like these spaces and everything ought to be tied to some kind of a business license annually. As they get their business license, they ought to be able to support the fact that they're still renting these places. We've got a horrible situation downtown with all of these parking places, and I think Councilmember Lewis is right. We've got a lot of them being rented twice, and it's a problem. So, I just think we need some more work. I think I'm going to support the deferral with those comments and other comments that we look back and see if we can't do a better job on this. I don't think it's complete yet. Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I'm going to support this ordinance. It's a good ordinance. I commend staff, and I also agree with Councilmember Waring and, more specifically, Councilmember Lewis. What our problem is, is not this. This is an ordinance that allows the public, who is being affected by someone parking next to them in a commercial district, who happens to live there, to have some input into consideration of a currently existing ordinance. Councilmember Waring asked about what our ordinance says in terms of occupancy and parking. It's a per square foot ordinance for commercial uses, and where we've gotten ourselves in trouble, and it wasn't this body that did it, it was the Board of Zoning Appeals, but sort of by implication, we helped because of our ordinance. We have granted, over the course of the last 40 years, an inordinate number of variances from the parking requirements for core businesses downtown, where you put a hundred people in a building to have dinner, which used to be a retail establishment where 100 people didn't go in a week, and now we've given them variances for two parking spaces. That's our problem. What this ordinance does is allow people to come out and speak about all of the people about to pile on parking near them because all of these other businesses didn't have parking requirements. So, people are parking all over the place. What I would suggest we do, and we did it a little bit with the late night ordinance by limiting the number of bars and restaurants we could have in any given area, any given block, is go back and look on our zoning ordinance what the requirements are for parking per square foot and see if that's adequate. This ordinance doesn't

speak to that. This ordinance speaks to people being able to talk about whether or not they want people parking next to their house. We need to give the Board of Zoning Appeals some direction to tell them to cut out the variances for parking. We've got to cut them out. That's our problem. So, I would suggest to this body that, before we defer an opportunity for our citizens to speak on their own behalf, we really look for where the root problem of this is, and that's the ordinance that we've got. Do we have enough square footage coverage for parking, and do we have an ability to tell the Board of Zoning Appeals in only very limited circumstances, if any, to give variances for parking which, by the way, is nothing more than a government subsidy because if you give someone a variance for parking, they don't have to go build parking, they don't have to go find parking, they don't have to do anything. We're just subsidizing their business. So, I'm going to support this. I'm not going to support a deferral. I suspect we'll get one anyway, but in the meantime, I think that we should collectively direct Mr. Lindsey to go and take a look, and bring us back some recommendations on our ordinance that's underlying this; the ordinance that allows people to open these businesses to see whether our parking requirements are adequate for current existing circumstances on the Peninsula. Thank you."

Mayor Tecklenburg said, "So, I guess I would just ask the question, would giving passage of this first reading give us some benefit while it's pending, and then come back to you with a more thorough ordinance at our next meeting?"

Councilmember Seekings said, "Can I respond to that, my fellow Councilmembers?"

Mayor Tecklenburg said, "Yes."

Councilmember Lewis said, "I think that we should address it like you said at first, with the parking for the square footage, that's number one. Number two, is the places where the parking spaces are in the lot that they are renting are not sufficient for the patrons to park. You've got a lot with 28 spaces, and you've got three businesses renting from that same lot. These are the reasons we just need to put some more teeth in this ordinance because the square footage, from what we understand for one car, is 12 people. So, 12 people can go in that restaurant, and they could probably drive four or five cars, and that's the problem that we're facing in the Upper Peninsula and part of the Westside. We're being overwhelmed with cars for these restaurants. You've got three restaurants within a three-block radius and three businesses are using, maybe, one and a half lots. Maybe one lot has 30 spaces they're renting from a church, and the other lot has 28 spaces. Then you've got three restaurants, and you've got 150 people. It's just the math."

Councilmember Seekings said, "Can I just respond to your question, Mayor?"

Mayor Tecklenburg said, "Yes."

Councilmember Seekings said, "I think the answer is 'yes' because, in the interim, while we are looking at this, this is just another layer of ability of people who are affected by all of these things that are going on, to get in front of the Board that is going to make these decisions and give their input. All we're doing is giving citizens an opportunity, through this ordinance, to talk about what's happening next to their property when you've got residential and commercial piled next to each other. The question about how we pile it on is something we need to look at, and this is something that happened a long time ago, and we're just living now with sort of the after-effects of it. So, again, I encourage us not to defer this, give it first reading, let it dovetail with a look at our ordinance currently and what our parking requirements are, because they're

going to go hand in hand. This is consistent with a look at that, not inconsistent, and we're doing nothing that will stop us from looking at that."

Mayor Tecklenburg said, "That's correct, I concur. Are there any other comments or questions?"

Councilmember Lewis said, "Respectfully, I think that we need to defer and let them work on it and not to give a first reading on it."

Mayor Tecklenburg said, "Right. Alright. We have a motion on the floor to defer that takes precedence."

On a motion of Councilmember Lewis, seconded by Councilmember Mitchell, City Council voted to defer Item E-13:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-319 to add additional restrictions for off-site parking for restaurant and catering uses. (Deferred)

The vote was not unanimous. Councilmembers Seekings, Williams, Shahid, and Mayor Tecklenburg voted nay.

Mayor Tecklenburg said, "Alright, and thank you, Councilmembers Mitchell and Lewis, for bringing this matter to our attention. We appreciate it because it obviously needed to be addressed, and it will be. So, now, we go to Item E-14, Mr. Lindsey."

Mr. Lindsey said, "Thank you. This is an amendment to our much talked about hotels ordinance, and this comes to you from the Planning Commission with three recommendations. The first is related to the location and design of guest drop-off and pick-up areas for the facility, which is to say that the Board of Zoning Appeals would look at where the valet is located, because we've heard that valets do provide traffic jams at certain times, and that would require the BZA to look at how the valet functions. The second is the long-term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift, the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation. What this means is, 'show us how your employees get to work, account for where they park. If they don't park, make sure that they get there on public transit', and they have to prove that to the Board of Zoning Appeals. The third thing is the provision of shuttles, that hotels outside of the urban core would provide, as facilities located outside the urban core, the commitment by the applicant as a condition of the special exception to provide a shuttle service for guests to the downtown area with details to be approved by the Zoning Administrator or its designee, that includes a clear delineation of routes, drop-off and pick-up points, and a schedule. So, that simply means that if a hotel is outside the urban core, provide a shuttle for people to get downtown. Those are the three transportation-related provisions regarding hotels. You all have all heard these before, these have all been discussed before, they've been in our reports, and the Planning Commission recommends the approval of these three."

Mayor Tecklenburg said, "Would anyone like to be heard on these matters? Yes, sir."

1. Robert Gurley, of the Preservation Society of Charleston, said to have a diversified economy and to stop the proliferation of hotels was one of the central ingredients for a livable city, but they were looking at it piecemeal and not really grappling with the issue. He stated they supported the amendments and urged Council to look at Item E-6 under first readings so the problem could be attacked holistically, so the commercial districts would not become hotel dead zones.

Mayor Tecklenburg said, "Thank you, sir. Yes, sir, Mr. Bryant."

2. Anthony Bryant said this should be referred to the Public Safety Committee. He stated at the time of the 1990 census, there were about 22,000 people in the community and those 11 assessor's tracts provided recommendations for many people to participate in the process as intended beneficiaries of programs and activities. Based on the facts of the 2010 census, he didn't know if they even existed anymore and whether or not the State and Federal Program actually lived up to its obligations. He was deeply concerned about any and all proposals made without re-looking at this proposal and the intention. What was being proposed was without a deep reflection on those intentions for intended beneficiary uses, stakeholders, recipients, and sub-recipients. He said many who were supposed to participate unfortunately did not.

Mayor Tecklenburg said, "Would anyone else like to be heard on this matter? Yes, ma'am."

3. Maria Parker, of 61 Laurens Street, said while she agreed with Mr. Gurley that they probably needed a much bigger overhaul, those things tended to get bogged down, as shown by the ordinance from September 2016 that was just getting deferred. She asked for Council's support. She stated it was exactly this kind of transparency that would have prevented what may be the doom of Ansonborough with the approval of two 50-room hotels who would use Anson Street as their pick-up and drop-off point despite producing a traffic report showing zero traffic going up Ansonborough for the Zoning Board, and that was how they got the Accommodations use. She said every little bit helped and they just don't think they needed to take everything into consideration.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard?"

No one else asked to speak.

Mayor Tecklenburg said, "If not, the matter comes to Council."

Councilmember Williams said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. This is a little bit of a rhetorical question. I was curious how you were going to get the new hotels in Mt. Pleasant and North Charleston to provide this shuttle service?"

Mr. Lindsey said, "Good question, and as a part of the initial hotel report that we produced back in 2015, one of the things that we suggested that we do is actually coordinate with our partner governments in the region to look at this holistically. This ordinance, of course, only pertains to hotels that might be on Daniel Island, West Ashley, or James Island. There are no hotels in some of those locations. Of course, it's just City of Charleston, like all of the ordinances that we pass."

Councilmember Moody said, "Yes, I knew that was the answer. I didn't want you to think that I was real serious, but I am serious about one thing. It seems to me like this particular provision is being somewhat punitive to new hotels. I know they're building four or five of them at West Ashley right now. So, if we put this in effect, then these guys are going to have to probably provide shuttle service downtown. I think that there is a much bigger problem here that I think we can solve, that we ought to solve, as a City. I'm completely supportive of the parts about looking at where you're dropped off and that being part of it and take that into consideration, that's downtown where the problem is. As far as the employees and the guests are concerned, it's all of the same problem, in my opinion. They have to get to work, and we have to get the guests downtown. It seems to me like we ought to be using some of our Accommodations or Hospitality tax to support CARTA, or go out and maybe go to Durham Bus Service, and when they're taking kids in the morning, rent their buses at night to get more buses and newer buses for our school kids or something. It seems to me, just like we have the DASH downtown, once the tourists get downtown, we've got a good way of getting them around without them driving their cars. If we can get them in the hotels, then they're going to stay right there and ride that DASH. It seems to me like with a little bit of imagination and planning, we keep talking about these problems, whether we use the Tent City area or maybe if we use our Milford Street property, and we could build a parking facility out there, particularly at night. I know this is dear to Councilmember Lewis' heart that we have a shuttle or a DASH that takes these employees who work late at night, back to their cars. Therefore, we're paying for it across the whole spectrum and not penalizing a handful of businesses West Ashley, James Island, or Daniel Island. It seems to me like we need to come up with a better plan on that aspect of this zoning. That's just my sense that we haven't again, we put something out there, it sounds good on paper, 'yes, let's get shuttles, let's get some cars off and get shuttles', but the practical matter is you're penalizing, maybe, a very small part of the community. So, anyway, that's kind of where I am. I don't know how you divide this ordinance up and vote on Sections 1 and 2, and not against 3 or something. I don't know, but that's what I would propose we do. Either that or send it all back."

Mayor Tecklenburg recognized Councilmember Riegel followed by Councilmember Waring.

Councilmember Riegel said, "Yes, I would like to echo Councilmember Moody's concerns. While we do have a very real and genuine problem with parking downtown, no one can deny that, but I am very concerned that we are penalizing any developers or investors who are interested in building a hotel West of the Ashley, Daniel Island, I don't think James Island needs any more hotels, but that's a big concern. The second issue is, and I'm not sure, Jacob, I didn't you hear you say that, but just like when I fought against the late night bar ordinance, have we engaged the stakeholders? Have we engaged the Convention Bureau on Hotels? What is their input? I don't see any reference or any comment. If they have, you're not sharing

it with us yet. I assume in the next couple of minutes you will, but at this point, I would ally with Councilmember Moody and not support this. Thank you, gentlemen.”

Mayor Tecklenburg said, “Is it not true that if we were to pass this this evening, it would not apply to anybody who has already got their special exception, correct?”

Mr. Lindsey said, “That is correct, Mayor. This is for new projects moving forward.”

Mayor Tecklenburg said, “Yes, it would be for new projects moving forward. Not for those hotels already underway in West Ashley, just for the record.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Thank you, Mr. Mayor. I have to agree with Councilmembers Moody and Riegel. I spoke to a hotel owner in West Ashley about that piece about assigning the shuttle. There was a time you could get downtown literally in 15 minutes from West Ashley. You can’t do that anymore. My office is a little bit more than three miles, I think, right at three miles, from the bridge, and it takes me a solid half hour to get to downtown Charleston during mid-day. To go and turn around and come back, you’re looking at the better part of an hour. I’m talking about a shuttle. So, let’s just think about this one, you’ve got residents at a hotel West Ashley, your shuttle has just taken off to go to the Visitor’s Center. In the meantime, you come down, and you want to catch the shuttle. Well, you’re going to have to wait about a half hour, maybe 45 minutes, for that shuttle to get back. You’re going to jump in your car. You’ve already got your car right there at the hotel, and you’re going to use GPS, and that’s what they’re doing now. We’re trying to prevent that. The first two pieces of this ordinance, I’m for that. To just assign, ‘well, Mr. Hotel, you pay for the shuttle’, I just don’t think we need to get their input. I don’t know that we did. As a matter of fact, when I first offered the idea, they thought it was a great idea, and then I said, ‘wait a minute now, you’re going to have to pay for it’, and it was 180 degrees in another direction. All I heard was all of the fees and stuff that they have to pay now, which I’m fine with that.

My point is, we, as a City, going back decades, helped to encourage a lot of the hotels. Most of the major hotels that have parking garages assigned to them, we pay for, to help encourage that. We’ve had some good ideas, yours being one, Mike Seekings, a number of Councilmembers, by creating these park and ride lots. We’ve got a half-cent sales tax coming through. We should try to help create spaces for off-street parking for employees and the like, as Councilmember Moody pointed out with Tent City and your idea about Milford Street. There are others, of course, that would not cost that much. I don’t know whether we could get a DASH West Ashley that’s going to be running a circuit non-stop for the hotels coming across the bridge. Maybe, again, Accommodations helps with that, the half-cent helps with that, and maybe the hoteliers help with that, but I think that piece about assigning the shuttle to new people, we’re creating winners and losers. I don’t think that’s what we’re really setting out to do, with all due respect. I think there may be a better way of doing that part of the ordinance. Transportation is an issue that is going to take a collection of allies to solve in this area, and right now we’re pointing to one or two new people to handle it, and I just think that’s the wrong way to do it.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you, Mr. Mayor, fellow Councilmembers, and Mr. Lindsey. This is a start, this is nowhere near the end. This is obviously a start for what we’ve

been talking about for a long time about hotels, about congestion, about employees, the drop-off, the off-site parking, they're all great. All of the off-Peninsula hotels that are doing any business at all right now have shuttles anyway. They're using them. I don't think that's really our issue. I think we do have a few issues, though, that while I've got the sort of, pardon me?"

Councilmember Waring said, "That's not right."

Councilmember Seekings continued, "Well, I think a lot of them do and we see them all of the time from the round Holiday Inn all the way down to the Sleep Inn which has one. Jimmy Palassis has one. They run them back and forth. Well, hang on, let me just finish because I don't think that's a big part of our issue, and if you're staying at a West Ashley hotel or Daniel Island or wherever you're staying, and you decide you want to get in your car, you're going to do it anyway, right? Whether there is a shuttle there or not, you're doing it, right? So, that's not the issue. Now, a couple of things are issues, however. We currently have the cheapest on-street parking rates in about the world. It's a dollar an hour to park on the streets of the City of Charleston, a dollar an hour. Our meters shut down at 6:00 p.m. King Street shuts down at 2:00 a.m. Well, 3:00 a.m. really. East Bay Street, the Market, Haynes Street, all around the areas, all of those areas are currently free parking for anyone who wants to come. We're losing revenues to do the things that you all have talked about tonight, which is provide off-site, safe-lit parking for the 20,000 employees around here to get on or off the Peninsula, to work where they're going to be working safely, and not have to put it all on the backs of the developers. There is a way to partner with this through the CVB, the City, CARTA, and the likes. So, to answer the questions that have been around here, we actually had a meeting recently, directed by the Mayor, Mr. Martin was there, Ron Mitchum from the COG, who is our Executive Director of CARTA, was there, the CVB was there, private developers were there, and we have identified properties on the Peninsula that, for at least short term, are ideal for off-site parking that we can get to easily, safely, that can be lit, and there are all of those stakeholders that are willing to participate financially in this. CARTA, through the COG, has offered to manage the thing and include providing shuttle service, much like the DASH, which we need to have. So, this is a start. I'm going to support it. The shuttles from off-site in West Ashley, I don't want that to be a deal killer for this. We don't need that, I don't think. I don't think it's our answer."

Councilmember Waring said, "What's the answer?"

Councilmember Seekings said, "Well, I think our answer is, we've got the off-site parking requirement in here for employees and that we're going to have to have a plan from the hotels. That's the big issue. That's the biggest issue. There are more employees on the Peninsula at any given time than there are people staying in hotels, many more employees, many because they're in the restaurants. They're all over the place. So, identifying off-street parking and having plans for people for off-site parking is the most important thing, and I commend you all for doing this. The drop-off is all good. We've got to look at more of it. I'm going to support it. If the shuttles are going to be a deal killer, I just don't think that's something that we need to be really worried about and picking winners and losers in West Ashley. I do think that the market will sort of drive that, and when we get a hold of, especially on the Peninsula, of where the people are coming, on our parking, both on the street and in our lots, and set the rates appropriately, they're way too low, way, way, way too low, and extend the meters into the evening when people are using them, we will have additional sources of revenue to provide expanded service through CARTA and other systems. So, I think that's something we need to look at. We're looking at it, we are committed. The group that met last, I guess it was two weeks ago, committed to have an on- and off-core on-site parking facility up and running by January 1st. That was our commitment, and I believe we're going to get there. It's going to take

a lot of hard work and some money, and again, CVB is involved, CARTA is involved, the City, and the private sector. So, good work, a good start, a long way to go, and I still think we need to look at the hotel Accommodations Overlay Zone. I think the special exception test is what we need to be thinking about, not a specific zone. So, I'm going to support it, and you all do what you want with the shuttles. I don't think that is a huge issue."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mayor, this is more of a question. We've been talking about parking and transportation issues, and we've been talking about having meetings with this person and that person, but nowhere have I heard the inclusion of our Transportation Department. There seems to be a disconnect to me."

Councilmember Seekings said, "I forgot to mention that they were there, too. Our new Director of Transportation has been involved."

Councilmember Gregorie said, "Okay, you answered my question. Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, maybe I'm just missing what we're trying to accomplish with this ordinance, but we're punishing the way that this ordinance, this amendment, is addressed, those places are not the problem. The problem, as I understand it, and this is what I see when I walk downtown, and I'm going to places downtown. The problem is not West Ashley and the off-Peninsula hotels doing this, it's the hotels that exist now. When I ride around downtown Charleston on the Peninsula, I am constantly doing battle with folks who are coming to the hotels downtown to drop-off their guests there. That's the problem that I'm seeing, what we're dealing with. The way that this is written, to pick back up with what Councilmember Moody had just mentioned to us, is that folks who are coming downtown from West Ashley or other parts outside of the Peninsula, they are going to drive a car, and they're going to either park their car, or they're going to do whatever they want to do with that vehicle. If it takes 30 minutes by shuttle bus, it's going to take 30 minutes by a vehicle, as well. The problem is that, and I just got caught into this trap with the hotel on State Street with folks that were checking in. So, we did not adequately accommodate or think about the traffic jam that is created when people are checking in and checking out in the morning or the evening at those facilities. That creates a huge traffic problem that clogs State Street and the other streets that feed into State Street, Church Street, and the like. In addition, those folks once they're here, it's fine. It's the problem of them getting here and parking. When you read this, it seems like we're addressing that issue, but the problem is not so much the folks who are coming in from outside of the area. So, I have to agree with my other Councilmembers who live in West Ashley, who represent West Ashley, I don't want this ordinance to punish those companies, developers, and other folks. We're not addressing the core issue of what's existing downtown, and it seems like what this is going to do is have the unintended effect of hurting those folks who are outside of the area. That's my problem. When I read it, I was in agreement with it, initially, but now reflecting on it, I really am concerned as to how we're going to address those areas outside of the Peninsula area."

Mayor Tecklenburg said, "Well, the ordinance, as written, allows the BZA to address drop-off and delivery, so that's included, and even though there are plenty of hotels that maybe didn't get considered in the past because it wasn't a requirement. We can't change that midstream, but, going forward, certainly, we've got to start somewhere. I would ask Council for

your support on this matter tonight. We've been grappling with the issue of the growth of hotels for a year on and off. Today, I know our hospitality industry considers it great news, we were designated once again as the number one destination in America, and we did drop one. We're the number two rated destination in the world. So, I get back to the fact that our hospitality business is vibrant, it's healthy, and unless we make it a little more difficult for a hotel to be entitled in this City, then any property eventually that can be a hotel will be a hotel unless we add these simple requirements that make it a little more difficult. That also addresses parking. Regarding the shuttles, I appreciate the fact that when you create a new requirement that the folks that got in under the wire seemingly have a disadvantage, but you've got to start somewhere. The concept is a good one to promote shuttles to downtown from other parts of our community. If I were a guest at a West Ashley hotel, and I knew how hard it was to park, and later this year after we do our parking study, we're going to end up, I think, agreeing to raise our parking rates, but if I knew that, I would make sure I was on time to catch that shuttle downtown. If I missed it, I missed it. I would have to drive in or take Uber, but I believe we've got to start somewhere folks, and I think that this is a solid place to start. Our Planning Commission supported it. We all agree there are more things that we can look at that we will come back to later, and so I ask your support on this matter tonight. Councilmember Williams has not been heard yet, and then back to Councilmember Waring."

Councilmember Williams said, "This issue is really about mobility and infrastructure, and we asked our Planning Department to do something. It might not fit all in all, but what we're going through in this whole City is mobility and infrastructure. We've got to start working on mobility and infrastructure if we're going to sustain this great tourism, and if we're going to sustain this infrastructure. It doesn't start here, it might not work there, it's not singling anybody out, it's about mobility and infrastructure, and this City has to get on the track of mobility and infrastructure. If we can't pass something as simple as this tonight, we've got some problems. So, I'm going to support this."

Mayor Tecklenburg said, "Councilmember Waring, can I ask your indulgence just for a minute, not in response to your question, Councilmember Gregorie, but our new Director of Traffic and Transportation would like to add a comment or two to the conversation, Keith Benjamin."

Keith Benjamin, Director of Traffic and Transportation, said, "Good evening, everybody. So, a couple of things that I think are important in terms of context. The College of Charleston just did a report where they surveyed about 700 hospitality workers, and interestingly enough, about 80 percent of them, of course, use their cars, and then the rest of them are biking and walking trying to get to and from their particular work space. Forty percent of those hospitality workers are coming from West Ashley, and one of the biggest concerns that they have is the cost. About half of those people are spending up to 100 dollars per month to be able to figure out what their parking is, where they are between parking tickets, and all of those particular types of things. The costs are high. The average median income for our City is about \$46,000. For somebody who is in the hospitality industry, it's in the twenties. So, there is significant concern on a daily basis about these hospitality workers when they're coming in and how much they're charging. One of the things we're trying to do at the department, amongst a bunch of other things, is get us into the future with our parking. Our meters have not been changed. We're looking to have at least 1,100 of them changed by mid-August to our new meter system, so that we can actually be accounting for those. I'm thinking about what it means now not to allow people to park at parking spaces just because it's broken, thinking through that. We have not done a parking study in this City in 20 years. So, we have a long way to go in terms of making that transition. We'll have an RFP done in the next month for our new parking study that

will have a scope that you can review and take a look at. I've met with almost all of you, so you can find me, and we can have a discussion about what those priorities are that are on there, but we're nowhere hiding. We're out and about and trying to make it clear that we're trying to figure out this situation, but I think this really puts into perspective, the need, especially for our hospitality workers, and too many times they're left behind. They're the backbone for our tourism, and what we do here. So, I think it's important for us to take that in consideration in this part, but also realize that there is definitely some work that we're trying to do at the department to move forward in our parking situation."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Benjamin, and certainly thank you, Mr. Mayor. The vision that Councilmember Seekings spoke about with collaboration from many sources, I think you and I and Councilmember Seekings and all on Council believe can happen. So, remember now, the first two items on this, I think, we all are in unanimous agreement on that. Then, why would we stick the new hoteliers off the Peninsula with you having to do the shuttle when we know where the answers are, we know where the funding mechanisms are, and hopefully we know we're going to be working on that. So, why would we move forward with the current form and assign that, again, we're still creating a winner and a loser on that, and that future which was so beautifully described by Councilmember Seekings, and I really believe that can happen and will happen lead by you and Council, why would we go through with something that we know is unfair? We know right now that to assign that shuttle to any new person, West Ashley or off the urban core, building a hotel is unfair when we have already begun that collaboration. We just hadn't finished it yet."

Mayor Tecklenburg said, "Who made the motion? It was Councilmember Moody?"

Councilmember Moody said, "I didn't make it."

Councilmember Waring said, "Madam Clerk."

The Clerk said, "No, Councilmember Williams and Councilmember Lewis made the motion to approve."

Mayor Tecklenburg said, "Okay. Do you all want to entertain an amendment to the motion?"

Councilmember Moody said, "If you will drop out this shuttle requirement, I'll vote for the motion."

Councilmember Waring said, "I will, too."

Councilmember Moody continued, "But, I'm not going to vote for it with that in it. I think of exactly what you're talking about, and Mr. Benjamin just said 40 percent of the workers come from West Ashley. Why don't we make the businesses provide a shuttle there rather than a handful of new hotels? It doesn't make any sense."

Mayor Tecklenburg said, "Councilmember Williams, will you accept an amendment to the motion to defer on this matter of the shuttle?"

Councilmember Williams said, "No."

Mayor Tecklenburg said, "No. Okay."

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I completely understand the argument on the shuttle service off the Peninsula, and actually, I think it came up probably the last time we discussed this item, but I think that too often, maybe, we look at things in a way, or we craft them in a way that it's sort of forced upon a business owner, so it becomes punitive. So, I guess the question is, could we not look at the shuttle service being offered by hotels that are off the Peninsula instead of being sort of forced upon a business owner, providing them with an option that if they provide it, maybe we give them some level of a discount on their business license fee, so that it gives them an option. I'm not saying that we want to subsidize this to a heavy degree, but if we agree that having shuttle service from off-the-Peninsula hotels is a benefit, and it cuts down on the traffic, etcetera, etcetera, maybe we should provide them some incentive to do it. If they choose not to do it because it doesn't meet their business model, not all of the hotels that are off the Peninsula are for people who come to the Peninsula. A lot of them are for a weekly stay-type, folks who are transient contractor-type folks. So, anyway, maybe we need to take it, instead of an approach that can become punitive, we provide it as an alternative, as an option, sort of like the fee in lieu that we will discuss later this evening, just a suggestion."

Mayor Tecklenburg said, "Right."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, we use the term 'shuttle'. It seems like a very simple term, but when you talk about a shuttle, you're talking about the cost of a van, you're talking about an employee, you're talking about payroll taxes, you're talking about insurance, and all of a sudden it starts adding up. So, you've got a handful of businesses in West Ashley that are trying to compete with Mt. Pleasant and North Charleston, and even their neighbors, and all of a sudden, they're put at a disadvantage. I just don't think that's right. I think we can fix this thing very easily, and if this is defeated, I will make a motion that we accept this ordinance with the shuttles gone and see if that gets passed, but I'm not voting for this the way it is. I just think it's punitive to put it on these people's businesses in West Ashley or Daniel Island for that matter."

Mayor Tecklenburg said, "Mr. Lindsey."

Mr. Lindsey said, "I've been raising my hand. I'm sorry, Mayor. I wanted to point out something very important to this discussion which is that the requirement for shuttles already exists in the special exceptions criteria. I'm going to read it to you all:

- '17. The provision of shuttle bus services to and from the Historic District by facilities with more than 50 rooms located outside the area designated A-1, the Urban Core, on the Zoning Map, not served by public transit.'

So, there is already a provision which covers about 80 percent of this, and what we are proposing is just something that would require them to give us a specific plan, and the reason

that we said that was good is that it gives flexibility to the hotel owner. They can come to the BZA and say, 'there is one day a month when my patrons ask me for a shuttle, and that's what I'm going to provide' or they could come and say, 'we need a shuttle seven days a week because it helps.' That's what this does. This is not a new imposition, and I wanted to make sure everybody knew that the shuttle bus requirement off the Peninsula is already in the special exception criteria. That is just an important clarification, and thank you, Mayor, for recognizing me."

Mayor Tecklenburg said, "Yes, thank you. Councilmember Lewis, and then let's try to call the question."

Councilmember Lewis said, "There are a couple of hotels, but I know of one particular hotel West of the Ashley that they bring their patrons downtown. They have a certain time to pick them up and drop them off at the Custom House, and they have to be back at the Custom House at a certain time to go back to the hotel if they want to ride the shuttle, but they offer that service. So, I don't know why this is such a big, big fuss. If we need to do something, we know we have a problem with parking, we're trying to address it, so I think Council just needs to vote on this ordinance. We can always amend it and fix it, do whatever needs to be done today because we've got to start somewhere, and this is a good start."

Mayor Tecklenburg said, "That's right. Well, I think the market dictates that most of the hotels West Ashley do it anyway because their customers like it, and it's good service, but if I may, let's call the question on this matter, and then we'll see what happens."

Councilmember Seekings said, "So, there is a motion to accept as presented by Mr. Lindsey before the public hearing all of these amendments to Section 54-220?"

Mayor Tecklenburg said, "Correct."

On a motion of Councilmember Williams, seconded by Councilmember Lewis, City Council considered Item E-14. The motion failed 6 to 6.

Councilmembers White, Williams, Lewis, Mitchell, Seekings, and Mayor Tecklenburg voted in favor of the motion.

Councilmembers Waring, Wagner, Moody, Gregorie, Shahid, and Riegel voted nay.

The Clerk said, "So, I have Councilmember Waring, Councilmember Wagner, Councilmember Moody, Councilmember Gregorie, Councilmember Shahid, and Councilmember Riegel. So, that's six."

Mayor Tecklenburg said, "That's six. Councilmember Wilson is not with us, so that fails. Do I hear a new motion?"

Councilmember Moody said, "I make a motion that we accept this ordinance with the removal of the requirement for the shuttle buses."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

Councilmember Lewis said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I just hope we realize we had a lot of discussion around the table in the last few months about one city. We're just sort of splitting the City into two. West Ashley is voting against downtown. One city."

Councilmember Waring said, "You represent West Ashley."

Councilmember Lewis said, "I know I represent West Ashley."

There was laughter in the Chamber.

Councilmember Lewis continued, "I represent both, but I'm voting for what I think is right for one City, okay? Thank you, that's all."

Mayor Tecklenburg said, "Are there any other questions or comments?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Gregorie, City Council voted to give first reading to and amend Item E-14 to remove the requirement for hotels located outside the central accommodations zone to provide shuttle buses:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220, Accommodations Overlay Zone, by inserting language to require the Board of Zoning Appeals-Zoning, in its evaluation of accommodations uses, to consider the location and design of guest drop off and pick up areas, to require from applicants additional information on parking and public transit provisions for employees for consideration by the Board of Zoning Appeals-Zoning in its evaluation of accommodations uses and to renumber the provisions of Sec. 54-220 (b).
(AS AMENDED)

The vote was not unanimous. Councilmember Williams voted nay.

Mayor Tecklenburg said, "One 'nay', Councilmember Williams."

The Clerk said, "That's the amount of votes."

Mayor Tecklenburg said, "Okay, Item E-15 is deferred so we will not vote on the matter, but we'll still have the public hearing. Who wants to present that to us?"

Mr. Lindsey said, "I'll present that, Mayor. This is the moratorium on James Island commercially zoned properties, and it pertains to more than four dwelling units or more than 1,500 square feet of commercial, and this moratorium has received first reading by this body. It received a unanimous denial by the Planning Commission, and it comes to you for public hearing, but there will be no vote on this matter because it is deferred."

Mayor Tecklenburg said, "This is regarding the James Island moratorium. Would anyone like to be heard on this matter? Yes, sir."

1. Charles Wilson said he lived at 1614 Grimboll Extension and his family owned that property and the property next door. They annexed into the City on February 28th, and the moratorium had prevented them from developing a small business. His project met 13 of 17 United Nations Sustainable Development goals. He thought the ordinance was poorly written and overly broad because it stopped all development as opposed to just apartments. The County and City Planning Commissions had voted against the moratorium. He and other residents wanted the local governments to work together cohesively on planning. He had been working with Councilmembers Gregorie, Wilson, and Moody to draft an amendment that would allow commercial projects less than 25,000 square feet to move forward, and he hoped Council would support this amendment going forward.

Mayor Tecklenburg said, "Yes, sir. Thank you. Yes, ma'am."

2. Susan Milliken reminded Council that it had given first reading to the moratorium unanimously. She said it was unfortunate that Mr. Wilson had been caught up in the moratorium and thought Council could adjust the square footage in August because James Island residents supported Mr. Wilson building a restaurant. She thought revisions could be made that would not keep small business owners and entrepreneurs from building, and she hoped that Council would override the Planning Commission's decision in August.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter? Yes, ma'am."

3. Penny Wilson, Mr. Wilson's mother, said she was the manager of the LLC that owned the property. The moratorium, as written, was not what Council had intended. The people on James Island who supported the moratorium were concerned about large apartment complexes. The ordinance stated the City was concerned about commercial and retail opportunities for James Island residents, but the ordinance denied anything larger than a Starbucks or Subway. The moratorium also applied to renovations, so it shut down any commercial project. She did not think the ordinance's goals would be achieved by the end of the moratorium, and it would come back for renewal. She urged Council to amend the square footage so that it was much larger than 1500 square feet.

Mayor Tecklenburg said, "Thank you very much. Yes, ma'am."

4. Erica Harrison said she worked with several property owners on James Island that were recently annexed into the City. The complexity of annexation and planning created a downstream effect with a moratorium, and this one halted all types of development. The broadness of this ordinance created a conundrum for many property owners who had tracts of land they were looking to develop, and the moratorium created a more expensive impact in the long-run. She asked Council to re-evaluate the purpose of the moratorium. If the goal was to halt residential rental apartment complexes, it should not halt commercial development for small businesses and entrepreneurs like Mr. Wilson.

Mayor Tecklenburg said, "Thank you. Yes, sir."

5. Anthony Bryant said he was a former Charleston County BZA member and he questioned why people were leaving the County to come into the City. What was the reason people were annexing out of Charleston County? He thought there needed to be more thought on how they got to this point, especially as it related to Charleston Water System.

Mayor Tecklenburg said, "Thank you, sir. Yes, ma'am."

6. Carol Jackson said she lived in the City on James Island and supported the concept of the moratorium. She agreed with the Wilsons that the language regarding 1,500 square feet on commercial uses was not the intent. She stated the place to start was with the Re-think Folly Road Plan, along with the Folly Road Overlay District, as they didn't want oversized properties that were not uniquely evaluated for the characteristics of James Island. An exception should be made for the smaller commercial enterprises that no one intended to be punished during the process.

Mayor Tecklenburg said, "Thank you. Yes, sir."

7. Mohammed Idris said Folly Road meant ignorance and people's eyes were opened in other areas to what Charleston was and is doing by not allowing annexation to take place. Other counties or cities wanted their share of the pie. The big hotels were going up because they didn't have any place to go. He said what the City was doing was ignorant.

Mayor Tecklenburg said, "Thank you very much. Would someone else like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. As we mentioned, we will not be taking action on this matter tonight."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I would like to address some of the things that were said. I know we're not going to vote, but two things real quick. Number one, Councilmember Wilson is not here tonight, and there has been some criticism of her not being here, and that's why this was deferred. I wish she was here so we couldn't defer it. However, she is in Pensacola, probably as we speak, and her daughter is getting her wings as an aviator tomorrow. So, congratulations to her and her family on that great achievement, but I really wish she was here so we could vote on this. What we've done is we've put businesses like the Wilsons' in jeopardy. I talked with our attorney to see if there was some way we could make a motion to allow some of this to go forward, but I guess the only thing that I would encourage is for our Planning staff to maybe think about a 25,000 square foot exemption because right now, they're being shut down. I don't blame you, you shouldn't be talking with them because you don't know what the law is at this point, but I would encourage our Planning staff to work with these businesses. I think there are probably a handful of them from what I understand. There were about a handful of them that came to the Planning Commission to convince the Planning Commission that this thing is too broad and wide and not very well thought out. I'm saying that

because I do believe that we had a knee-jerk reaction to this moratorium, and it's kind of why I hate moratoriums. It was a reaction to that theater being shut down and somebody putting apartments there. Forget about all of the other stuff. If you've looked at James Island and said, 'where within our urban growth boundary should we put apartment buildings, it's probably right on that site. It's right on Folly Beach, it's right next to the connector, and it's probably the perfect place where you've got a lot of mass transit, whenever we get it all done, where you would put apartments. So, we kind of knee-jerked that thing and probably made a mistake, but we've done it. I don't know what we could do tonight, but I would encourage staff to work with the Wilsons and any of these others to get their projects going on down the road. Thank you very much."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I just wanted to follow up on that point. I know we won't vote tonight, but I think Councilmembers Wilson and Moody, and certainly Councilmember Gregorie, have done a good job pointing out the unintended consequences that have affected people like the Wilsons and, obviously, they spoke well for themselves along with Ms. Harrison. So, hopefully, we can come up with a way to allow these people to go forward, and it's the big, large projects that we were concerned about. So, thank you."

Mayor Tecklenburg said, "Thank you. Are there any other comments or questions?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, Mr. Mayor. Thank you. I just think one of the things for those that came here tonight to speak, make sure you come back because you hear the tenor around this table, something is going to happen. The other thing that's happened since we voted on the moratorium, or more importantly didn't happen, is this whole idea of an intergovernmental cooperative agreement on James Island. Well, something happened on the way to that show, and that was the County forgot to play ball with us. So, we're going to have to think about that in connection with the big picture on James Island and the complaints that people brought to us and the concerns they brought to us when we met on James Island in large numbers. You all will remember sitting around this table, the Wilsons fought like heck to become members of the City. They had to fight to come in, and I think right now they would like to fight to get out."

There was laughter in the Chamber.

Councilmember Seekings continued, "But, we just have to take all of those things into consideration. So, this is an organic process that's going to be contemplative. I just think it's probably good for everyone to know that we'll have probably quite an interesting debate in August when this comes back up."

Mayor Tecklenburg said, "Alright. Well, thank you very much. So, next, we're going to move forward to Item E-16. Thank you for coming out this evening, by the way, to all who spoke on that matter. Item E-16 regarding our Mixed-Use Workforce Housing Ordinance."

The Clerk said, "Mayor, we have to make sure that we tell them that at the time of the agenda we were given the number 25 percent, but it should be 20 percent instead of 25 percent."

Mayor Tecklenburg said, "So, the matter came out of the Community Development Committee and actually correctly was 20 percent of units would be dedicated Workforce Housing for 25 years. Your agenda this evening said 25 percent for 25 years, but the correct numbers are 20 percent for 25 years. Of course, the Planning Commission then went and recommended 15 percent which is our existing percentage for only 15 years, Mr. Lindsey."

Mr. Lindsey said, "Thank you, Mr. Mayor. This is a proposed amendment to the MU-Workforce Housing Ordinances, and as a very brief refresher, the MU Ordinances are only an urban issue. They are not a suburban issue. The MU zoning category is something that we only apply on the Peninsula and in the areas immediately adjacent that are just the urban core. It's not a suburban matter. There are two fundamental factors at play, and the first is the percentage of dwelling units that will be required to be workforce and the length of time that they are required to remain in the workforce status. The second item in play is the fee in lieu amount, which allows a developer to write a check, to absolve their need to build the housing in the project, and the check would then be used to go towards a City Fund to deploy affordable housing. Those are the two variables that are really in discussion, and as a timeline, this was given a first reading by this Council on January 10th which, at that time, was the provision of 20 years, 20 percent, wait."

Mayor Tecklenburg said, "Twenty (20) percent."

Mr. Lindsey said, "Twenty (20) percent and 25 years. I want to get this right, and a fee in lieu which was set at a higher level, and then it went to the CD Committee where this was considered again. The term and the percentage remain the same, and the current fee in lieu was set at that time by the CD Committee at the amount of \$5.10 per square foot for new projects coming forward. That applies to the gross square footage, not including parking, and \$3.40 for projects which have already begun, two rates. That was sent to the Planning Commission, and the Planning Commission took two actions. The first is that they said that they preferred the percentage of 15 percent of dwelling units to be workforce and 15 years to be the time that they would remain workforce, 15/15, and they did not comment in regards to the fee in lieu. They gave no input in regards to the fee in lieu amount as a part of their motion. So, it comes to you with no recommendation from the Planning Commission in regards to fee in lieu. As it says in your packet, the result of that is that a supermajority is required to modify the Planning Commission's recommendations. Thank you."

Mayor Tecklenburg said, "Thank you, Mr. Lindsey. Would anyone like to be heard on this matter? Yes, sir."

1. Allen Wood with Greystar read a letter on behalf of Todd Wigfield who was the Senior Managing Director of Greystar's development group for the East Coast. Mr. Wigfield apologized that he could not be in attendance, but appreciated the considerable time and effort that City staff, the Planning Commission, and members of the City Council put into working with the development community to come up with a fee in lieu solution that would work for all parties. They believed that the recommendation of the City Planning Commission was more in line with what was bearable. The key inputs of percentage and duration should also be factored into the equation for the payment in lieu, which should be reduced to be

commensurate with the 15 percent for 15 years. Greystar was completing their second project within the MU-2 Workforce Zoning designation, and a calculation in the \$2.50 to \$2.75 range would be fair to them, the overall community, and provide the appropriate net neutral incentive to participate in the payment in lieu option. In order for the development community to participate it was critical that the program be priced appropriately. The payment in lieu gave the City the funds needed to address the entire workforce housing spectrum.

Mayor Tecklenburg said, "Thank you, sir."

2. Patrick Head, Associate Developer for JJR Development, spoke on behalf of Jeff Roberts, Managing Partner. For about 18 years, their group had developed properties on the Peninsula that were formerly known as transitional. He stated they were a for profit development company interested in affordable housing and had a minimum number of workforce residential units required, so their company was directly affected by the proposed new ordinance. He stated their company was fully supportive of the buyout clause, as written, because it represented a choice which development groups did not have before. They also considered it the moral responsibility of every developer who was capable of these projects to be cognizant of the changing dynamics on the Peninsula. They were at the tipping point by not recognizing workforce housing solutions so teachers, police, City workers, and firefighters could live downtown in a walkable, urban environment. They thought financial calculations in the proposed ordinance provided ample incentive for the developer.

Mayor Tecklenburg said, "Thank you very much. Yes, ma'am."

3. Amy Barrett, Executive Director of the Urban Land Institute ("ULI") for South Carolina, said the ULI advocated for the responsible use of land and creating and sustaining thriving communities worldwide. They worked with local governments to help craft appropriate regulations and strategies to meet the land use challenges they faced. They had a roundtable meeting with Mayor Tecklenburg and City staff talking about the ordinance, the fee in lieu calculation, and the formula. She thanked Mayor Tecklenburg, Stockton Williams, and City staff for allowing ULI to be a part of that process and thought they had made a lot of headway. She read a letter from Stockton Williams that indicated the amendment, as it was today, was in good working order, but the formula for the fee in lieu probably needed a little bit of work. Inclusionary zoning programs that provided the option of paying a fee in lieu of producing some of the desired below market rate units should base the payment amount on a transparent analytic methodology. An opaque or arbitrary method of determining the payment amount could result in adverse market effects and deter developers from participating. They were concerned about the formula because how it was calculated impacted whether or not it was feasible for a developer. They didn't want to do anything that further constricted supply because there wasn't enough housing supply in general.

Mayor Tecklenburg said, "Thank you. Yes, sir. Welcome."

4. David Ingle said his company NAI worked with and for Evening Post Industries which was developing Courier Square. They plan on doing some more quality

development like that building in the upcoming years. He stated the Evening Post was a firm believer and supportive of workforce housing. They supported the 15 year/15 percent workforce housing raise from 10 year. They also supported the fee in lieu, but they thought the \$5.10 was too high, and something in the high \$2.00 or low \$3.00 range was something they could definitely support. He thanked Council as they knew this was a tough issue, but one they cared about very much and supported.

Mayor Tecklenburg said, "Thank you, Mr. Ingle. Yes, sir, Mr. Ferira."

5. Justin Ferira said he appreciated the Mayor and Council's time and tireless efforts on this issue and thought they were close to a resolution. There were two calculations that ULI applied. There needed to be a reduction for operating expenses and vacancy, and there needed to be an NPV. The Planning Commission had not been silent on this issue and reduced it to 15% for 15 years. The Mayor and City staff had been very clear that the \$5.10 was arrived at using 20 percent and 25 years. 25×20 was 500 unit years. The Planning Commission gave a 55 percent reduction of unit years of obligation to developers. It would make sense that a corresponding reduction would happen in the payment in lieu, as those were the two inputs. He expressed concerns about throwing off the 'ecosystem' and said the Mayor had cautioned that everything would turn into a hotel. If the City overly penalized Multi-Family, it would lead to greater competitive advantage for hotels. He looked forward to the impact for people that needed housing and the impact to commerce because commerce created jobs and helped the community.

Mayor Tecklenburg said, "Thank you, sir. Yes, sir."

6. Robert Gurley with the Preservation Society of Charleston said it was no secret that affordable housing was key to a livable city. It was important to the Preservation Society and the City, and it had to be a cooperative and a collaborative effort. He said they needed to find the numbers, and he challenged the City Council to get this done.

Mayor Tecklenburg said, "Thank you very much. Yes, sir."

7. Ian Scott said he spoke on behalf of the 1,600 members of the Charleston Metro Chamber, and like the Preservation Society, he thought affordable housing was one of the employers' largest challenges and concerns in this region. They commended the Mayor, members of Council, and City staff for addressing the issue. They were concerned about unintended consequences from changes to the multi-use and workforce family zones, particularly if they would inhibit development on the Peninsula, and this was their key point. They believed that walkable, dense development in designated areas on the Peninsula was one of the keys. Most of the changes discussed were in the MU/WF-1 and -2 Zones. He believed those zones were critical for the continued housing market so they encouraged Council to pass this, but make sure the fee in lieu was set correctly, so that it wouldn't have an inverse effect on development and new housing. He said they need those units in the City and needed them in walkable places so that people could get to jobs downtown.

Mayor Tecklenburg said, "Thank you, sir. Mr. Cochran, welcome. Hope you're feeling well."

8. Luther Cochran said he lived in Charleston and was part of a group that advised the Evening Post Industries. He supported the part of the ordinance that was 15 percent for 15 years and asked Council to consider a well-recognized formula to synchronize those two variables that the Planning Commission sent with the fee in lieu. He fully supported affordable and workforce housing, as did the Evening Post and developers. The process had been very open and he believed the fee in lieu would make an affordable and workforce housing program more vibrant. They did not want a fee in lieu that chilled development not only on affordable and workforce housing but all housing, because that would make the situation in Charleston worse. They had to synchronize the two. He recommended they look at the ULI's method. If the City took the 15 years and 15 percent and, as ULI suggested, the economic difference between market and below market, and factored in other variables like vacancy, operating costs, they would come to a number that was something in the order of \$2.75. He asked Council to take a look at these factors, do the math, sync up the fee in lieu with the 15 and 15, and let them move forward.

Mayor Tecklenburg said, "Thank you, Mr. Cochran. Mr. Bryant."

9. Anthony Bryant said UDAG monies were used, probably in 1986, by the Federal Government to induce development downtown. He said incentives were given to large corporations and other groups to subsidize them, but the people who were here did not get a subsidy. There was a lot of imbalance in the community. The Council of Governments talked about transportation and those issues, and many members of the Chamber of Commerce had a direct influence over Mayors, Councilmembers, and others for years.

Mayor Tecklenburg said, "Thank you very much."

There was applause in the Chamber.

Mayor Tecklenburg said, "Yes, sir."

10. Stuart Coleman with Clement, Crawford, and Thornhill said he knew there was a lot of effort by staff, the Mayor, and the development community working together on the affordable housing issue. He thought it looked great the way it was written and had evolved. There were some good points made on the exact fee, but he was happy the fee concept was in there, and he wanted to thank everyone for their work on this because it was important for the City.

Mayor Tecklenburg said, "Thank you, sir. Mr. Idris."

11. Mohammed Idris said this started with the Civil War because this was about money, greed, jealousy, and ignorance. He said Mayor Riley invited an international leader to the City over ten years ago and had a subject called a 'Thread of Diversity'. The leader told Mayor Riley that freedom was marginal, and if one wanted peace in the City, the space had to be shared. This City told the people that the land was contaminated, moved the people out and put condominiums on the land. They were talking about money. He said at the last

City Council meeting a lady from Water Street said the same thing that he had been saying all the time. The devil was in the details, and he wanted everyone to read a Bible verse which would tell them who the devil was and why it was wrong to call Charleston the Holy City and the number one City.

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard on this matter? Yes, ma'am."

12. Carol Jackson said she lived on Patterson Avenue in the City on James Island. She was a consistent advocate for adopting the ordinance amendments recommended originally by the Community Development Committee and supported overriding the Planning Commission's diminished terms for requiring developers to build and retain affordable rentals and condos within their proposed non-regulated Mixed-Use properties. She said that was the incentive these developers aimed for, and they had no regulations on the zoning table if they built under the MU Ordinance and dedicated their workforce units. She said 15 percent of units for only a retention period of 15 years didn't begin to satisfy the affordable housing needs of the City's workforce. They needed people who lived and worked on the Peninsula, and she favored the substitute option for developers to pay fees in lieu up front. She encouraged Council to retain the \$5.10 formula for future MU applications while allowing deals in the current pipeline to pay the \$3.40. She cautioned those who wanted to grow the City's Housing Fund account to leverage the creation of City sponsored housing that would be available much longer than the term of 25 years. The developers would more readily choose the 15 percent and 15 years option as the least costly of the two between the fee in lieu that was on the table, and the City would be back to too few units for too short a term. At the developer group session, no one at the developer table objected to the 20 percent/25 year formula. At the last minute, they came to the Planning Commission and asked for the reduction in terms to 15 percent for 15 years. This would entice the developers to opt for the units and forego the fees. The reduced fee would be passed over by a builder who could easily wait out a 15-year break-even investment only to reap a bigger gain in year 16 and beyond. She asked Council to keep the Community Development Committee's recommended fee structure. She said she knew the Sky Garden development had already locked their bonus density under that structure and other properties would be onboard in the months ahead. Council could always come back to make a change in the fee formulas.

Mayor Tecklenburg said, "Thank you very much. Yes, ma'am."

13. Sandy Hojnacki said she lived on James Island and did not see a chill on development as a threat right now, all of the news was about overdevelopment. If people lived where they worked, they could walk, ride a bike, and get to work without shuttles. She was concerned about affordable housing, and its connection to transportation. It seemed to her that a 25-year period was more certain, and it made more sense.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter? If not, it comes before Council."

Councilmember Waring said, "Can we take a five-minute break?"

Mayor Tecklenburg said, "It is about 8:20 p.m. now and is it the pleasure of Council that we take about a five-minute break because this matter might take us a little while?"

Councilmember Moody said, "A comment, we need to try to break this down into two motions is what I was going to say."

Mayor Tecklenburg said, "I was going to say that, too. That's a good idea. Let's take a five-minute break and come right back. So, I've got 8:20 p.m., 8:25 p.m. we'll start up."

The July 11, 2017 regular meeting of City Council recessed at 8:20 p.m. and reconvened at 8:33 p.m.

Mayor Tecklenburg said, "Alright. Let's call ourselves back to order here. Alright. I would like to call us back to order. I know it was more fun having the break than the meeting, but we need to try to finish this up this evening. So, we're done with the public comment portion on Item E-16, and now it comes before Council. There was a quick comment that we should split up the vote here or the matter between two things, and I agree. So, let's think about taking up the matter of the percentage and the years first. It came out of the Community Development Committee at 20 percent for 25 years, and the Planning Commission recommended, as has been noted tonight, something different, 15 percent for 15 years. So, we would need a $\frac{3}{4}$ vote, or 9 of the 12 of us to override or to do something different from the 15 percent and 15 years."

Councilmember Seekings said, "I think it's ten, Mr. Mayor."

Mayor Tecklenburg said, "There are only 12 of us present."

Councilmember Seekings said, "It's whether the full Council is present or not."

Councilmember Moody said, "It's $\frac{3}{4}$ of members of Council whether we're here or not. It's ten votes."

Mayor Tecklenburg said, "It's ten, I stand corrected. It's ten votes we'll need to override the 15/15 percent."

Councilmember Gregorie said, "Just a point of order."

Mayor Tecklenburg said, "Once we determine that we can talk about the fee in lieu fees."

Councilmember Gregorie said, "Just a point of order, do we need a motion to split this?"

The Clerk said, "Well, I think he's asking a question, so that you will frame two motions."

Councilmember Gregorie said, "Okay."

Mayor Tecklenburg said, "Yes, I just think it makes sense to handle it that way. If you believe the point that was made that the fee ought to be commensurate with the percentage and the years. The fee that we had before you was formulated from the 20 percent/25 year scenario. So, if that changes, you may, in fact, want to change the fee. So first, if I may, I would like to call on Councilmember Mitchell, who is the Chairman of the Community

Development Committee from whence this motion or matter first came, Councilmember Mitchell.”

Councilmember Mitchell said, “Yes, Mr. Mayor and fellow Councilmembers, in the Community Development Committee, which I’m the Chairman of, we have debated this thing many times, many, many times. We sit around and talk about affordable housing and how we need to create affordable housing for the people in this community. You always hear me say, ‘I’m tired of hearing lip service. Let’s put things into action, and let’s get it done.’ Now, this has been discussed about three, four, or five times. We have had different meetings pertaining to this, trying to work this out, and trying to bring affordable housing back into the Peninsula. We have so many people living in the community looking for affordable housing, and we are talking about traffic, we are talking about all of these other things. We need to go on and approve this 20 percent/25 years. We had ten years, but by the time something is built out, the ten years is about gone. We need to extend this to the 25 years of which we voted on in the Community Development Committee, which we wrestled with a long time. We’ve worked on it a long time, and staff along with the Mayor, worked on it. We did a lot of work on this plan before bringing it to Council. I don’t think we need to sit around here to debate this, debate that, and say, ‘oh, we need to do this, or split this up.’ We need to go ahead and vote on it and stand strong and vote on this, and get it done. Housing was something that I worked with for 33 years. I know housing, that’s what I know. Even Councilmember Gregorie himself, that’s all we did was housing. We need housing on this Peninsula. We are talking about people not being able to stay on this Peninsula and, why, because they don’t have housing. We’re talking about traffic, and all of these cars coming in. They have to drive in. Why? Because, we don’t have affordable housing for them to be able to stay on the Peninsula to be able to walk to work. We’re talking about all of the hotels we are building, all of the young people who are working at these hotels. What are they being paid? They are not being paid enough money to be able to go somewhere else. So, now, they’re moving out of the City of Charleston, off of the Peninsula, so to speak. They have to come in by way of transportation, and all of the money is going into transportation. These are facts. I know it because I have a daughter that was doing the same thing, too. So, now, with this 20 percent/25 years we need to hold onto that 20 percent/25 years. We don’t need to change it to 15/15 or anything. We need to go and stand firm with that, and we need to vote on that tonight and pass to approve that. Maybe if we want to come back and look at the fee in lieu part of it, fine. But we have to hold onto that to be able to hold onto this affordable housing piece and get it done. That’s what I’m asking my colleagues to do tonight.”

Mayor Tecklenburg said, “Thank you.”

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams said, “Mayor, I am fully in support of this. I would second the motion. This case was stated nearly ten years ago, this City in terms of us making the right process. Somebody said something about the ecosystem. The problem with this ecosystem is the City is at a disadvantage. We need that 20 percent/25 years to put in our toolbox, so that we really can take care of the people who have lived here for generations and try to do this as best as possible. We don’t have enough tools in the toolbox. Councilmember Mitchell is so right. I recommend that we override the Planning Commission and keep the 20 percent and 25 years. That’s how we can play a better role in the ecosystem. This thing is before us, and there are too many families who have left this City, and we did not have enough tools in the toolbox, but let me mention this. Two years ago when I came on Council, I was kind of astonished that Community Development, that office, did not even get any General Funds from the City. It was only two years ago we voted to give them some money for the franchise fees, and that’s this

year. If you're talking about the decline in HUD revenue and State funding, we were at a total loss, and you're talking about an administration that wants to totally gut our HUD. How can we play in this ecosystem without these necessary tools? I urge you to stop talking about this, stop debating this, and let's get on with this. Thank you."

Mayor Tecklenburg said, "So, you asked for a motion to support the 20 percent for 25 years?"

Councilmember Mitchell said, "That's exactly right."

Councilmember Williams said, "I second that motion."

Mayor Tecklenburg said, "We have a second."

Mayor Tecklenburg recognized Councilmember White.

Councilmember Gregorie said, "And the fee in lieu of. We're talking about the entire fee."

Councilmember Mitchell said, "Yes, I want the entire fee if we can. Now, if they want to separate it, let's go with the 20 percent/25 years now. I would like to go with all of it. I would like to get the whole package done. Let's do the whole package and get it done with."

Mayor Tecklenburg said, "Alright."

Councilmember Williams said, "Amend it to all."

Councilmember Mitchell said, "That's the motion, but let me hear the discussion from my colleagues."

Mayor Tecklenburg said, "Okay, but does your motion include the fee in lieu?"

Councilmember Mitchell said, "Yes."

Councilmember Williams said, "I second that."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilmember White followed by Councilmember Lewis.

Councilmember White said, "So, I agree, we have debated this a significant amount and there have been so many meetings that have occurred, but one thing that, I think, in the development community, for developers from that community, this is financially impacting them. So, I'm not sure we're ever going to get a number that's ever exactly what they want, quite candidly, but I think what we have to really consider is that we know that we have an affordable housing issue in the City; we know that ten years that we have and what's currently in the ordinance doesn't support affordable housing sustainability. I do think that we have to take action now to get something going, that's number one. But, number two, it has to be meaningful action because, if we don't, we're not going to have a true impact that we need to see in order to add true affordable housing sustainability in our City for the long term. Again, I know a lot of us, and I got calls just like everyone, I'm sure my colleagues on Council get calls from folks in the development community, friends of mine, but, in reality, our role is to look out for the betterment of the City as a

whole and not one group or another. Quite frankly, the City staff's original recommendation is lower than the \$5.10 that came out of the current recommendation. So, my gut tells me that if the development community doesn't like the number, and the original number from the City staff is lower, they probably don't like the number. That means that we're probably getting close to something right, but the reality is we've debated this for too long, we have to make a choice, we have to move forward, and it has to be significant in order to have an impact. If we don't, we simply are going to be making these very small, incremental increases over time that may or may not have any true impact, but the problem is we won't know if we had any impact until it's too late, and we can't afford to do that. Thank you."

Mayor Tecklenburg recognized Councilmember Lewis followed by Councilmember Moody.

Councilmember Lewis said, "I wanted to say, like the Councilmember said, we've debated this stuff, we have a responsibility to look out for those that are less fortunate than we are. We have people that work in this City and can't live in this City. We've got some people that work in this City and spend most of their money on transportation or, if they have a car, I know what it costs to park downtown and to work at the hotels and the motels. If we don't have people working at these hotels, motels, and restaurants, they're going to shut down. We need to try to provide some incentive to build affordable housing for the people that work in this City, and we need to pass this ordinance tonight, not tomorrow, but tonight, and I support this 20/25."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I know that everybody around this table, because we've talked about it, wants affordable housing. That's something we need to have. The question is whether or not we're going to get it. My concern with 20 percent for 25 years, is you will put the percentage up so high that that developer out there will say, 'You know, I don't need to come to the City of Charleston to do my development. I can go to Mt. Pleasant, I can go to North Charleston, I can go somewhere else because there is too much of a cost'. That's what we're really talking about here, the cost of this developer providing us with affordable housing, because we're going to take some of that profit and do that, but we're asking them to do it, and they said they have been willing to do it. The question becomes then, between the fee in lieu and the 25, or whatever number we come up with, whether you want temporary housing or whether you want permanent housing. The fee in lieu provides permanent housing. So, you want to make that number something that they would, I would prefer to have permanent housing, something that I don't have to worry about down the road, so that I can get some money and give it to Ms. Shaw-Johnson, and she can build houses all over this City, Daniel Island, West Ashley, Johns Island, downtown, build them everywhere, because we need workers everywhere. So, Councilmember White is right. We're trying to figure out what the right formula is here. I'm just afraid. It's kind of like that shuttle. It's one thing to say, 'well, let's just get a shuttle', but there is a lot more than just getting a shuttle. We can say, 'yes, we want workforce housing', but we've got to do something meaningful and, to me, part of the problem with government is we tend to pass something, and then it has to stay that way forever. I would rather come in here with something and if, all of a sudden, we've got a lot of people building houses or giving us money, and we can build a lot of houses, maybe we can jack that fee up and get a little bit more money. I don't know that we can bring it down. I think once you stymie something, or once you stop it, then you've got to get the whole ball of wax going again. I'm just afraid that that 20/25, I would prefer the 15/15 and somewhere around \$3.00, \$3.25 to buy into the fee in lieu and something like that, and maybe

give a six-month look back and see where we are then, but that's where I am on this thing. Thank you."

Mayor Tecklenburg said, "Thank you. Is there anybody that hasn't spoken yet?"

Councilmember Gregorie said, "Yes, Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "15/15 is just kicking the can down the road. 20/25 is doing the same thing. We're kicking the can down the road. At some point, those units will no longer be affordable. I do agree that what we have to do is try to get in a position where we have permanent affordability. I don't know whether or not \$5.10, where we are, won't get us there. I don't know that. I don't know whether or not if we go to the current \$3.40, we know that worked because it's being used now. So, I'm somewhere in the middle but, again, I just don't think that this is necessarily the venue to make that determination with respect to the fee in lieu. I think that it does require further discussion and further analysis to determine what would be the figure that works for us because I really don't know. So, 15/15 definitely doesn't work for me, 20/25 doesn't either, I want permanent affordability in the City of Charleston. I think, that we need to sort of figure out what this fee in lieu should be. I just don't know whether or not this is the venue to make that determination."

Mayor Tecklenburg said, "Well, if I may point out, the one developer who has stepped forward and actually put money in the escrow has his MU Zoning already, and so, he would be paying the \$3.40, but that's based on the current requirement, or the old requirement, of 15 percent for 10 years. So, somebody thinks it fair enough for 15 percent at 10 years to be willing to plunk down the money and be willing to pay us once this passes. However, we extend it from 15 percent and 10 years to something longer than that, I think the fee ought to be commensurate, and the \$5.10 is based on that 20 percent/25 year with a discount that was calculated in for that. So, a lot of discussion has gone into this, and I would make the point that enough discussion has gone into it and that we should pass this. If after six months nobody is willing to come step forward and pay the fee, maybe we were a little high. I believe it's harder to go back and ask for more than it is to take something away. So, I propose that we pass this tonight."

Councilmember Gregorie said, "Mayor, I agree with you."

Mayor Tecklenburg said, "Regarding 100 percent affordability, yes, that's an ideal world, that would be great, but this is a voluntary zoning. This isn't public housing, these are developers that are doing this who, admittedly, make money for a living, and we're trying to find that middle ground."

Councilmember Gregorie said, "Mayor, just as a follow up, I think that it is very, very important that we're clear. The developers are getting something out of this. They're getting increased density."

Mayor Tecklenburg said, "Absolutely."

Councilmember Gregorie said, "Okay, and if we start talking about what they are getting..."

Mayor Tecklenburg said, "There are incentives."

Councilmember Gregorie said, "There are incentives for them to do this."

Mayor Tecklenburg said, "The largest allowed housing density under our General Business Zoning is 26 units per acre. Now, when you get Mixed-Use, it can vary what your units per acre are based upon, you're in Charleston, you can only build a building so tall, so, you're limited by the envelope of the building that you can build, right? But, there have been cases where developers have gotten well over a 100 units per acre by choosing to have the Mixed-Use Zoning. So, it's a definitive incentive to the developer to take the Mixed-Use Zoning."

Councilmember Gregorie said, "Thank you, Mayor."

Councilmember Shahid said, "Mayor."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "A question about where we are with this thing because we've heard two different suggestions. The motion on the floor, as I understand it, is to go back to the 20/25. If that motion fails, then we need ten votes to override the Planning Commission. So, then the \$5.10 stays in place, is that correct?"

Councilmember Gregorie said, "Correct."

Mayor Tecklenburg said, "The 15/15."

Councilmember Shahid said, "The 15/15 and the \$5.10 stay."

Councilmember Seekings said, "No."

Councilmember Shahid said, "That's what I think the motion is on the floor. We did not split it."

Councilmember Gregorie said, "We didn't."

Councilmember Shahid said, "We did not split it. So, if the motion fails to override by the ten votes, as I understand it, the \$5.10 stays in effect."

The Clerk said, "The motion was 20 percent/25 years and fee in lieu."

Councilmember Shahid said, "And fee in lieu, but the fee in lieu number, is it still \$5.10?"

Councilmember Gregorie said, "It doesn't require for the majority of us to change it."

Councilmember Shahid said, "If you get a 'no' vote, the \$5.10 stays in the ordinance."

Councilmember Gregorie said, "Right."

Councilmember Shahid said, "I'm not splitting this."

Mayor Tecklenburg said, "The Planning Commission did not set a number for the fee in lieu, and whatever we pass on the fee in lieu, it only requires a majority of Council. So, Councilmember Mitchell, I would respectfully, I think it makes more sense for us to vote on these

two matters separately because we need ten votes on the 20/25. We only need seven votes for whatever the fee in lieu is, and I think it would just be simpler to separate it, if you don't mind."

Councilmember Mitchell said, "I don't want to, but in lieu of, what's going on..."

There was laughter in the Chamber.

Councilmember Mitchell continued, "I'm seeing what's happening here and, Council, it seems like people are afraid to do certain things. So, I would just go ahead and split it. I'm not afraid. I'm going to stand firm, and I'm going to do what's right. That's the way I am. Do what's right. I'm out in that street all of the time. I'm out in the community. I'm out with those workers that work in the hospitality field. I'm out there working with their housekeepers. I'm out there with them. None of my colleagues here are out there with them and seeing what's happening to them out there and seeing the call. I mean people are frowning. Don't frown when I say these things because it gets me a little kind of teed off because I'm out there every day with them. So, now, we'll split this because this is what I'm seeing with my colleagues here today, but remember, remember why we are here. Remember that we are here as servants of the people, not of others. I hope you understand what I'm saying. Thank you."

Mayor Tecklenburg said, "So, the motion stands with the 20 percent/25 years and the fee in lieu at \$5.10, sir."

Councilmember Seekings said, "He said he's willing to split it."

Councilmember Mitchell said, "We're going to separate it. I'm going to go ahead and separate it."

Mayor Tecklenburg said, "You're going to separate it?"

Councilmember Mitchell said, "Yes, we'll separate it."

Mayor Tecklenburg said, "Okay."

Councilmember Mitchell said, "It's a motion that I separate it."

The Clerk said, "So, Councilmember Williams, are you still the second for the separation?"

Councilmember Williams said, "Yes, with a comment. I don't understand the CDC Committee members who have worked on this for so long that we can't do this all in one, but that's up to you all."

Mayor Tecklenburg said, "I think the Planning Commission kind of put a little quirk in it, so it's okay."

Councilmember Williams said, "I'll go ahead and separate it."

Mayor Tecklenburg said, "So, the motion that is to approve 20 percent for 25 years for workforce housing for MU-2 Zoning."

Councilmember Mitchell said, "Correct."

Mayor Tecklenburg said, "Is there any other discussion or questions?"

Councilmember Moody said, "Wait a minute."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Moody said, "Before you call for the question, the Planning Commission recommended 15/15?"

Mayor Tecklenburg said, "Correct."

Councilmember Moody said, "So, we're voting to override the Planning Commission, which requires ten votes to override?"

Mayor Tecklenburg said, "That is correct. You got it."

The Clerk said, "You need ten votes."

Councilmember Moody said, "So, if we vote in favor, we're voting to override, and if we vote against it, we're not."

Mayor Tecklenburg said, "That's right."

The Clerk said, "Raise your hands when you vote."

Councilmember Seekings said, "No."

Councilmember Shahid said, "The motion is with 20/25, you need ten votes to do that."

Mayor Tecklenburg said, "The motion is in favor of 20 percent/25 years, which would override the Planning Commission."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I did have some discussion."

Mayor Tecklenburg said, "One meeting, please."

Councilmember Waring said, "Thank you. I'm aiming at my good friend, Councilmember Moody. Think about it, 15 years, right now what we have, the old ordinance is 15 and 10, and what the Planning Commission did, and all of those people are our friends, but quite frankly, it's somewhat unfair to them that they didn't have all of the information when it comes to fee in lieu. It took the Community Development Committee two or three months to get this, so they had one meeting to get one crack at it. So, they said, 'we're not going to deal with the fee in lieu, we're going to deal with just the years.' Now, it would almost make sense to just do the 15/15 and not pay the fee in lieu. It's only five more years. Most financing is going to be tied up at 15 years, okay? What makes it an incentive to buy out, which will create the funding for permanent housing, is getting away from the 20/25. It makes sense if I'm going to build an apartment complex, and I want this MU-2, and I want free rein, do I get free rein quicker at 15 years or 25 years? I'm going to find a way to buy that out, and that helps our goal of creating a permanent housing stock. 15/15? The 15/10 isn't working now, okay? Even the units that are being created by the 15/10 and,

Councilmember Seekings pointed this out, I think, a week or so ago, it's not reaching the policemen, it's not reaching the school teacher, it's not reaching the teller, and it's not reaching that worker in the hotel. So, we're kind of fooling ourselves that this 15/10 is actually a panacea. It's not working. If we go to 15/10, we're going to walk out of here tonight feeling we did a good job, but it's not going to be effective. The school teacher, the person that's changing the sheets at Charleston Place, they're not going to be able to afford that \$1,000 a month rent. They're just not going to be able to do it. So, if we're going to create the real incentive to buy this out, then it's got to be a longer period of time. So, I think, before we vote and just think, 'well, the Planning Commission says we'll just extend it five years,' they really didn't have the meat of all of the issues. All of those people are good volunteers and valuable volunteers of the City, but they simply didn't have the information. It was a little bit unfair to even ask them to have to decide on it. So, I'm going to support the 20/25."

Mayor Tecklenburg said, "Thank you."

Councilmember Moody said, "Mayor."

Mayor Tecklenburg said, "Is there anybody who hasn't been heard and wants to be heard?"

Mayor Tecklenburg recognized Councilmember Seekings followed by Councilmember Moody.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly on this issue, I'm going to have more to say when we talk about the fee in lieu. I agree with both Councilmembers Gregorie and Moody that we're kicking this down the road. No matter what the number is, it's not passing the 50-year test, which everything else we've been doing around these Chambers for the last three, four, five years, seven years since I've sat here, does it meet the 50-year test? Is it going to be around in 50 years? 'No' is the answer, if we pass this ordinance. We have to come up with a plan on this Peninsula to build truly affordable housing because, one thing no one has talked about is, under this ordinance, the formula that is used to calculate what 'affordability' is, does not create affordable housing. In the Elan, which is one of the projects currently that is subject to this MU-Zoning, an affordable unit is \$976 a month. That's not affordable. It's less expensive than what everyone else is paying, but it's not affordable, and no bank teller is living there, alone anyway. So, this is an interesting debate. The debate needs to go to the next level, and that is, how do we in the City build in perpetuity, fee simple, truly affordable graded housing for people in every station in life who want to get into housing and get ahead? The formula that's in this ordinance that sunsets whether it's one day, one year, ten years, or 24 years doesn't do it, period. You're building on the most expensive, as Jacob told us, remember, this ordinance only applies to the urban core of the Peninsula of Charleston, the most expensive dirt in the world. It's outrageously expensive, currently. It's expensive, just the dirt. I don't know too many places where you see acreage going at \$30 million an acre like what's happening at the SPA. It's expensive dirt. These developers are going to figure out a way to build, in a way that they can make money, and we have to make it so we make money along with them, and the way we do that is to get a fee in lieu that gets to us that we can build housing in perpetuity that's graded, not in a formula that only a very narrow portion of our population today or tomorrow can afford. So, right now, we're not talking about in perpetuity, long term affordable housing. We're going to after this vote, but we're not doing it right now."

Mayor Tecklenburg said, "So, I would just like to respond and say, this is just one tool in a toolbox for affordable housing for our City. This is not the answer to all affordability issues on the Peninsula. This is the screwdriver. We still need the pliers, hammer, and the saw, and, so, it's just

one tool. It's a voluntary zoning, so you can't force someone to provide 100 percent for 100 years or in perpetuity. That's just not what it was intended to do, but here, tonight, before we got to this matter, we've approved three new properties to become MU Zoned properties in the City of Charleston. This will make a difference, we've got to start here. So, I support the measure, obviously, and ask for your support. Are there any other comments or questions?"

Councilmember Lewis said, "Call for the question."

Councilmember Shahid said, "Call for the question."

On a motion of Councilmember Mitchell, seconded by Councilmember Williams, City Council voted 10 to 2 to give second reading to E-16 and amend the bill to recommend 20% as the percentage of workforce housing units in a development for a term of 25 years.

The vote was not unanimous. Councilmembers Moody and Seekings voted nay.

The Clerk said, "Okay, you have ten."

Mayor Tecklenburg said, "The motion passes."

There was applause and laughter in the Chamber.

Mayor Tecklenburg said, "So, now, we have the matter before you of the fee in lieu, which, coming out of the Community Development Committee, again, was at \$5.10 per square foot for newly zoned MU properties and \$3.40 a square foot for the older ones."

Councilmember Mitchell said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion for that, and I would just make the point that if we had altered from 20 percent/25 years to something lower, that I would agree that we should think about reducing the fee as well, but we did not, and so I would support the motion at what has been established. Sir."

Councilmember Gregorie said, "Do we have to vote on \$5.10 because they were silent on it?"

Mayor Tecklenburg said, "No, we still have to vote on it. We definitely need to vote on it. Yes, sir."

The Clerk said, "Councilmember White has a question."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "With regards to the fee in lieu, and I think that having that as an option is a tremendous opportunity to create permanent affordable housing, and I think it's pretty clear now that this body probably agrees that that's really what we all want, and, in reality, the \$5.10, \$6.20, \$2.40, \$1.10 whatever, the reality is that if we knew at that number what the right number was, we would have already figured it out. We debated this back and forth, and back and forth in the Community Development Committee. What I would contend to you is \$5.10 may be

right, but it's pretty unlikely it's going to be exactly right. So, my ask would be that we move forward this evening, we put in place the fee in lieu, and \$5.10, I think, is a good starting number, and that we go ahead and put in place a six-month look back. Let's identify how many projects have opted in, and if the number is zero, we know we got it pretty far off. If the number is something more than zero, then we know we're getting close. But, I agree with the Mayor. I think we're much more inclined, or it's going to be easier, that if we miss the number high, to back that down than trying to miss it low and trying to ramp it up. Thank you."

Mayor Tecklenburg said, "Are there any other questions or discussion?"

Councilmember Lewis said, "Call for the question."

The Clerk said, "So, add it to the motion, the \$5.10 with the six-month review?"

Councilmember White said, "If they're willing to accept that."

The Clerk said, "Are you accepting?"

Councilmember Mitchell said, "I'll accept that."

Mayor Tecklenburg said, "He'll accept the six month look back at the number and the review by staff and Council."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "The key here is the fee in lieu, and that's the whole linchpin of what we're trying to do here tonight because, with all of the reasons that have been discussed, we want the fee in lieu, and we want the incentive for the developer to do the fee in lieu to get that money in hand. Then, with that money in hand, we can build. Once we build, the City of Charleston owns it, and once the City of Charleston builds, or once the City of Charleston owns it, the City of Charleston can regulate the rent on that unit. If it's at \$600 a month or at \$1,000 a month, the City can regulate what that rent should be. When you go the 20/25, or whatever we just passed, the rent is going to still fluctuate, and we're not going to own the property. So, we want an incentive for the developer to say, 'I'm giving you my density, number one, that's a big plus, and two, I know I can spend X number of dollars, and knowing that X number of dollars, I'm going to pay into the fee in lieu, and I'm done. I'm finished'. The City's gotten the money and, with that money, the City can buy the land and build the unit or the units as we see fit, and we can control it at that point. So, we need to come down off the \$5.10, and I'm not sure what that number is but I know someone had said \$2.75. That sounds like a reasonable number to me, but maybe that's too low, and maybe it needs to go up, but it doesn't need to be \$5.10 because I think that the numbers don't work. We need the incentive now and why not just go ahead and do it now? Let's set a number. I would propose \$4.00, and let's see how that works out."

Councilmember Lewis said, "\$5.10 is the motion on the floor. Let's please vote on the motion on the floor of \$5.10."

Mayor Tecklenburg said, "Alright. When we call the question, I'm allowing debate to occur, and let's let Councilmember Shahid--"

Councilmember Shahid said, "But, I think, that's going to be the key to what we do, to give the developer that much more of an incentive to get it so we have the units in hand. That's the idea we're trying to get accomplished here."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think, and we just passed, what, 20/25?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie said, "I think that's plenty incentive."

Mayor Tecklenburg said, "What's that?"

Councilmember Gregorie said, "That's plenty incentive for them to go for the \$5.10, come on."

Mayor Tecklenburg said, "Would anyone else like to comment?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "So, one of the things that was interesting earlier tonight, if anyone remembers when we were debating this, it was interesting who spoke, developers spoke, okay, so they're the developers. The ULI, who we brought in to mediate this discussion, spoke about this and told us some things, that we need to have a formula that is objectively based, and we haven't done that. The Preservation Society spoke and said we need to have some balance in our ecosystem, and I agree with that. Because this is an opt-in zoning, Mayor and fellow Councilmembers, if we don't have any balance, and we don't have any incentive on either side, what we're doing is going to continue out of balance. The biggest fear that this administration has had, and we've had a lot of debate about it, we made some progress on it tonight, is that we're not going to build housing on the Peninsula, we're going to build hotels. If we put this into the stratosphere at 500-unit years at 20/25 and \$5.10, what's going to happen is the people who have the opportunity are going to build other things, and that's not what we want. We want this fee in lieu to get into our hands so we can build housing in perpetuity and we have to, at some point, listen to who are ultimately going to be our partners. Our partners spoke tonight, and it was bulk preservation, it was objective, the ULI, and it was the people who are going to be affected by this ordinance that told you what they're going to do. What they're going to do is, we won't be in sync, we'll have a further out-of-balance development environment, and I think, we'll make a mistake. I don't want to see us do that because the objective, remember, without the minutes of Community Development, I remember the very first meeting we had on this. I sat right here, and my comment, it's the same tonight as it ever was, this is all about the fee in lieu. That's what this ordinance is about and putting money in the City's coffers to build a panoply and a range of housing that's not just on a formula that's in this ordinance that is not affordable. So, how do we go about doing that? We have to partner with the very people who are in here who talk to us, and we are just, I think, about to make a mistake. We've got a lot of things coming down the pike for us. In November, I think, if we get altogether, we're going to have a referendum for the people in the City to vote on a bond issue for \$20 million. That money is going to go to the City to build affordable housing. The fee in lieu money that we collect in this ordinance, if we do it right, will go to the City. The City then takes it to the debt market and, more importantly, the leverage market, matching funds, grants, and all of that stuff, \$20 million, \$25 million, \$30 million becomes a lot more money somewhere down the road to build in perpetuity, fee-simple housing that is controlled by the City in setting the rates.

We're about to get into a very narrow zone here, a 20/25 or \$5.10. A zone where people are going to have to opt into a zoning and build expensive housing that will be just a little less expensive for some people. It's not affordable housing.

When we think about the fee in lieu, and we're about to do it, we've got to listen to our partners, and our partners have told us people are going to have a stake in this game. They told us \$5.10 is too high, and they're going to go take their money and build something else. They're not leaving the City. They're just going to build something else, and what are they going to build? They're going to build a hotel. That's what they're going to build. If they're in the overlay, they're going to build a hotel, and that doesn't get us anywhere down the road because this ordinance does not have a fee in lieu if you're building a hotel. So, I would err on the side of caution here and, if we really want to get going in the game of building affordable housing that we control, let's find a number that this Council bases on some rational formula, which the \$5.10, I'm still not quite sure where that came from, other than it came from our Committee. I sat in on every one of those meetings, okay, sat in on every one, and I saw the Board. It just has to take into account reality. If we want to build affordable housing, and we all do, let's do it, let's build it, and if we're going to build it, we need help, and that crowd that came in to talk tonight are the ones we're going to get the help from. If not, we're going to have to come up with the money, and I don't know how that's going to happen. So, \$5.10 is a little rich for this Councilmember's blood, and I'm not going to vote at \$5.10. There is a number out there, and we should get to it now and not kick it down the road."

Councilmember Mitchell said, "Call for the question."

Mayor Tecklenburg said, "Well, let me just respond. I'll try to be brief, but I don't know if I can be because you asked how the formula was derived, and I can tell you."

Councilmember Seekings said, "That might have been a mistake on my part."

There was laughter in the Chamber.

Mayor Tecklenburg said, "We took the first variable, being the ten years that we now have, with no discount for expenses because they don't have that now. We took the delta and the rent between a typical development of market rent, minus the affordable rent times ten years, took the net present value of that cash flow, using a discount rate of 20 percent, which even the developers agreed was a very fair number. Then, we added to that the same kind of formula, the difference in the rent times the 15 years, because we're going to 25 years, took the net present value of that cash flow with the discount rate of 20 percent, but we deducted 40 percent for expenses and vacancy. Then, when we added those two variables, we took a 15 percent discount off the whole thing to get to the \$5.10, which was an overall discount to make it attractive. Now, I just want to point out, I find it interesting that a few months ago when we were all at 20 percent and 25 years, \$2.75 was the fair number for the development community, right? Well, the Planning Commission came along and did 15 percent, 15 years, and still the same number \$2.75 is, according to them, the fair number, okay? With all due respect, I think it was just a number that they felt like they were willing to pay on this thing and without regard to what the alternative is, which we've now established to be 20 percent and 25 years. So, going back to Councilmember White's suggestion which we've added, let's run it for six months and, if nobody wants to take us up on the offer, we can always bring it down."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "I think you've done a good job. The question is, is this a simple majority vote on this one?"

Mayor Tecklenburg said, "Yes, sir. Are there any other questions or comments?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, City Council voted to approve, with a six month review, the fee in lieu at \$5.10 per square foot for newly zoned MU properties and \$3.40 a square foot for existing properties.

The vote was not unanimous. Councilmembers Moody, Seekings, and Shahid voted nay.

The Clerk said, "So, Councilmembers Moody and Seekings."

Councilmember Shahid said, "Nay."

The Clerk said, "And Shahid."

Mayor Tecklenburg said, "Alright. So, next, we're deferring the approval of our City Council minutes because the last meeting was so long, we don't quite have them ready and to you for your review yet. Next, is our Citizens Participation Period, which we limit to 30 minutes, and we had 20 something people sign up, so that works out to about 90 seconds, a minute and a half per speaker. Madam Clerk will call the names as they were signed in on the sheet."

Councilmember Riegel said, "Mayor, I make a motion to defer our June 20, 2017 Council minutes until our next Council meeting."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We should vote on deferring the minutes, Madam Clerk?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "Okay, we have a motion to defer the minutes until the next meeting, and we had a second."

On a motion of Councilmember Riegel, seconded by Councilmember Mitchell, City Council voted unanimously to defer the minutes of the June 20, 2017 City Council meeting until the next City Council meeting.

Mayor Tecklenburg said, "Madam Clerk."

1. Mohammed Idris said Council opened in the name of God, but they all knew this was about money. He said the Civil War wasn't about race, it was about money. He said they were using the housing project as though they cared about poor people, but that was not true. He said the Art Center at 1056 King Street was taking them backwards, and they needed to do something about that. He said they walked to Columbia to take down the flag and that the John C. Calhoun statue needed to be removed. He stated Charleston was a great City and he loved it, and he was going

to fight to make this City the Holy City. He thanked Council and asked them to think about removing the statue.

2. Dr. June P. Murray said she was a registered voter in Councilmember Wilson's District and two months ago, she shared her experience of being unfairly stopped by a Charleston Police Officer shortly after she moved to Charleston. She stated members of CAJM practiced their constitutional rights politely and passionately by sharing their grievances about police violating their civil rights. She felt like the Mayor had distorted their testimonies as an attack on the Police Department and thought that when the Mayor spoke for 30 minutes on June 20th, it was in violation of Robert's Rules of Order which dictated the Chair should not take an active part in debate. She asked why the rules were different when it came to people who disagreed with the Mayor. She said Councilmember Wilson, during the Public Safety Committee Meeting on June 15th, asked 'what's to stop Novak from picking their buddies to do this audit?' She said Councilmember Wilson seemed to support a separate RFP, and she hoped Council would reconsider their vote.
3. Dorothy Smith said she was there on behalf of Ms. Susie Jackson, one of the Emanuel 9, and she asked to have the top of Alexander Street named "Susie Jackson Lane".
4. Cleon Smith said he was a nephew of Susie Jackson, and members of the entire Jackson family were present, including three of the surviving sisters of Ms. Jackson's family. He said Susie Jackson was tragically taken from them in the Emanuel 9 shooting, and they were there to support the petition to have "Susie Jackson Lane" added to the power lines. He said they were not trying to change Alexander Street, but they wanted a section added on the power line affixed on top of the street sign to represent what she meant to their family.
5. Gail Jackson said she was a niece of Susie Jackson. She showed pictures of how the family would like to have "Susie Jackson Lane" be addressed on Alexander Street and said they had over 20,000 signatures. She said Alexander Street would intersect with Emanuel Way, and she showed the route that Ms. Jackson took to go to church on Sundays and Wednesday nights for Bible study, as well as a picture of Ms. Jackson's home located at 122 Alexander Street.
6. Robert Sanders said he was a nephew of Susie Jackson and that not only would this street intersect with Emanuel Way, but it would also head towards where the IAAM would be built.
7. Denise Dilligard Smalls said she was also a niece of Susie Jackson and that Dorothy Smith had a dream about naming a portion of Alexander Street after her, and that is when they got the signatures. She said Ms. Jackson was really from Elizabeth Street, and then she ended up on Alexander Street. She was a resident on Alexander Street for 53 years.
8. Cynthia Taylor said she was also a niece of Susie Jackson and that her parents also lived on Alexander Street.
9. Sheryl Nelson said she was also a niece of Susie Jackson, and when the idea was brought to her, she thought it was a wonderful way to honor her Aunt Susie. She

reminisced of times as a little girl when her mother and her aunt fixed the children's hair for Easter. It was a wonderful thing to walk across the street to have her grandmother, great-grandmother, and her aunts together.

10. Latricia Jackson Washington said she was also a niece of Susie Jackson, and she thanked Council for listening to them because they wanted this, and it would be a pleasure if Council could do this for them.
11. Julia Eichelberger said she was a member of First Scots Presbyterian Church and lived in Councilmember Wilson's District. She stated that last month Councilmember Lewis proposed hiring a new firm for a police audit, and in response, the Mayor sought to discredit CAJM and an op-ed she wrote supporting Councilmember Lewis' proposal. Their main point was that Novak had no experience auditing for racial bias and could not select a qualified firm or supervise work they had no experience doing. She stated, as Councilmember Waring had pointed out, the City was paying twice, and Novak was not going to do that work for free. She said the Mayor ignored the fact that African Americans were twice as likely to be stopped as white citizens, and he had dismissed stories told by many citizens, including African American Councilmembers. She asked that the Mayor devote more time to listening to his constituents' needs and less time discrediting and alienating them.
12. Paige McCormick said she lived in Councilmember Moody's District, and she was also dismayed at the last Council meeting at the treatment of community members who exercised their constitutional rights. She said that she and thousands of other members of the community were CAJM, and they were not Council's enemies. They were their constituents, and their anger was directed at a political system that had suppressed African Americans in Charleston. They were not angry at Council, the police, or the Chief. She told Council they had the power to change the system for the better and make Charleston a shining example of how to conduct a proper police racial bias audit. She heard Councilmember Moody state that part of his problem in his voting was frustration with CAJM and that they may have influenced his vote. While this greatly concerned her, she also heard him say that Novak should have nothing to do with the racial bias audit for police, and this was exactly what Councilmember Lewis' proposal had addressed. She asked Council to reconsider.
13. Reverend Charles Heyward said that when Jesus came into the Temple and overturned the tables, he was really not upset at the people, but there was a sense of righteous indignation about the system that caused the people their spiritual development. He thought CAJM was concerned much like that experience. City Council, as leaders, may miss the opportunity to hear what his colleague said about who the constituents are. He said they accepted the Mayor's invitation to CAJM to be involved in the continuation of this process, that there be a firm experienced in doing the necessary audit of police bias, and that they participate with Council in the scope of work. He thought this should reflect a number of years back, so they could really look at the history and get to the bottom of building trust, transparency, and accountability for those who would be fearful to share their experiences with Council. He said they looked forward for CAJM to participate in the process.

14. Capers Barr said he was a lawyer at 11 Broad Street, and he was there to speak to a bill up for first reading on page 11, which was an ordinance to amend the zoning that had to do with the property on Brockman Drive in Councilmember Wilson's District. He said the property had originally been zoned Multi-Family and there were eight condominium buildings planned, and seven were built in 1985. In 2005, Council changed the zoning where the last unit was going to be built into Single-Family, and now the property was zoned in a fashion where it was of no viable economic use. He said there was opposition from Councilmember Wilson and from her constituency at the last meeting, and the matter was deferred. He was speaking to clarify something because he believed one of the reasons for which it was deferred was that a member of the community asked the zoning official about the allowed height, and he said it was 50 feet in that zoning district. He said he neglected to point out at that time when there was a public hearing that the matter was governed by the regime document, and the condominium regime document limited the height to the other buildings. The other buildings that were there were 33 feet at the peak, so they were not looking at a 50-foot building. It was restricted to 33 feet.
15. Debbie Brown said she came to Council in February with her neighbor, Sharon. She showed pictures of her house during two floods in one year. She said because of those two floods, her flood insurance was raised from \$384 to \$1,588. She was retired and lived on a limited income and asked where she would get that kind of money due to the negligence of the City. They were denied any more flood insurance, and they could not get any more until they rezoned. She asked if anybody there thought that was okay. They had two cars and a house she and her husband had paid taxes on for the past 65 years. They paid taxes for "Charleston Drainage Improvement", "Charleston Public Safety", and "infrastructure". She asked the Mayor where the money she had been paying was going, and was he prepared to cut her a check for the difference between \$384 and \$1,588? She said they would be going further with this, and that it was not the end due to the City's negligence.

The Clerk said, "Mayor. That's the end of Citizens Participation."

Mayor Tecklenburg said, "Thank you very much. That's the end of Citizens Participation Period. Thank you."

The Clerk said, "Mayor. Corporation Counsel wants us to go back to this ordinance, so that we can give it third reading. This is the one that deals with the housing."

Mayor Tecklenburg said, "Okay, on the Mixed-Use?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "We gave it second reading."

The Clerk said, "We just need to give it third reading and then ratify it."

Mayor Tecklenburg said, "I didn't call for third reading and ratification."

Councilmember Mitchell said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion and a second."

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, City Council gave third reading to one bill (Item E-16), and it was immediately ratified as:

2017-069 AN ORDINANCE TO AMEND PROVISIONS OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) PERTAINING TO ARTICLE 2, PART 15 – MIXED USE 1 - WORKFORCE HOUSING DISTRICT AND MIXED USE 2 - WORKFORCE HOUSING DISTRICT. **(AS AMENDED)**

The vote was not unanimous. Councilmembers Moody and Seekings voted nay.

The Clerk said, "Okay, Councilmember Moody."

Mayor Tecklenburg said, "Councilmember Moody was opposed."

The Clerk said, "Yes."

Councilmember Seekings said, "The same goes for me. I had my hand raised over here."

The Clerk said, "Alright. I didn't see you."

Mayor Tecklenburg said, "Alright. Next, we have a couple of Commissions that we're recommending. Is that on the Commission on the Arts and History?"

Councilmember Mitchell said, "Yes."

Mayor Tecklenburg said, "Okay, we have these two rosters for the Commission on Arts and the Commission on History. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Riegel, City Council voted unanimously to approve the appointments to the Commission on Arts and Commission on History.

---INSERT APPOINTMENTS---

Councilmember Gregorie was excused from the Chamber at 9:42 p.m.

Mayor Tecklenburg said, "I would like to point out that Jonathan Green has agreed to be Chairman of our Arts Commission, and I think he'll do a terrific job. I'm sorry I didn't start earlier in the meeting introducing you to a visitor we had here, but she left, and that's okay. She didn't want me to introduce her anyway, but she's gone now. I can talk about her, and it happens that she's Jonathan Green's cousin, but she's been working for the last 16 years for one Michael Bloomberg, out of New York, and she's been in Charleston helping us on a very exciting matter that we hope to unveil later this year. In the meantime, we are announcing this week that Charleston has been officially invited, and we are now one of Bloomberg's "What Works Cities". It's an important thing

for us and brings a lot of resources for us to look at challenges and get some real expertise at lower discount rates. In addition to that, I think you know I got chosen to go, next week, to Mayor's Boot Camp that Michael Bloomberg is putting on with folks from Harvard, and that's why we met a week early. So, I'm glad we did that so our agenda would not be too long tonight, right? Okay, so, anyway, her name is Verna Eggleston, who is Jonathan's cousin, and she was here. She is a force of nature and a wonderful woman. We're really excited about our relationship with Bloomberg Philanthropies.

Next, is a request to rename the 'Louis Waring, Jr., West Ashley Senior Center.' We're shortening it to the 'Louis Waring, Jr. Senior Center'."

Councilmember Moody said, "Move for approval."

Councilmember Riegel said, "Second."

The Clerk said, "Who made the motion?"

Councilmember Riegel said, "Councilmember Moody made the motion, and I seconded it."

The Clerk said, "Okay, Councilmember Moody and Councilmember Riegel. Thank you."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Riegel, City Council voted to approve the renaming of the "Louis Waring, Jr., West Ashley Senior Center" to "Louis Waring, Jr. Senior Center."

Councilmember Waring said, "I have to say, 'thank you'. So, thank you all."

Mayor Tecklenburg said, "Absolutely, it's a great honor to have your Dad's name on the center, and shortening it is going to save us a lot of money on the sign."

There was laughter in the Chamber.

Mayor Tecklenburg said, "The License Committee Report is next. Did Chairman Gregorie leave the room?"

The Clerk said, "It's information only."

Mayor Tecklenburg said, "It's for information only, we'll come back to that when he comes back in. Committee on Public Safety, Chairman Williams. No, I'm sorry."

The Clerk said, "Councilmember Lewis."

Mayor Tecklenburg said, "Vice-Chairman Lewis, I was thinking Public Service. Sorry."

Councilmember Lewis said, "Okay, the Public Safety Committee had a Special Meeting on July 6th. We met and went into Executive Session. We were briefed by Human Resources and the Legal Department on the three firms that wanted to do a search for our Fire Chief and

Police Chief. We came up with two firms that we're going to recommend to the Mayor to try to negotiate with. They are ESCI for Fire and PERF for the Police Department. That's the report of the Committee. I move that City Council approve the Mayor negotiating with these two firms to find a Fire Chief and a Police Chief."

Councilmember White said, "Second."

Mayor Tecklenburg said, "Alright. We have a motion and a second, is there any discussion or questions regarding that?"

On a motion of Councilmember Lewis, seconded by Councilmember Shahid, City Council voted unanimously to adopt the Committee on Public Safety Report as presented:

---INSERT COMMITTEE ON PUBLIC SAFETY REPORT---

- Executive Session to discuss proposed contractual arrangements pertaining to firms to assist with the search for a Police Chief and Fire Chief, for purposes of making a recommendation to the Mayor. Action may or may not be taken on this item.

Mayor Tecklenburg said, "Next, will be our Committee, now, on Public Works."

Councilmember Williams said, "The Committee on Public Works met this afternoon at 3:30 p.m. We finally got, from our hardworking staff, the Memorandum of Understanding Agreement between the City of Charleston and MUSC regarding Doughty Street, Jonathan Lucas Street, and the Medical District Project. As you know, this is the part of the accumulative study that will develop how it's best to have mobility and walking and all of these other issues in the Medical District to be approved. The Memorandum of Understanding Agreement is attached. It gives MUSC the opportunity to develop this area, but at the same time, they won't be closing the street permanently. They will be coming back to the City from time to time, through the process. Remember, Roper Hospital is there, too, although they're not part of this MOU. This is a continuation between the two entities, but it's a good opportunity. Those who know that area, know that area is a game changer for our City and that district. I appreciate the work Frances Cantwell did and members of MUSC. I move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion and a second."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mayor. I know the hour is late. It's 9:47 p.m., but I just want to point out that representatives of MUSC and Roper have sat here all night tonight and have watched democracy in work at the local level, I know they're impressed."

An MUSC Representative said, "You say that as if it was a chore."

Councilmember Seekings said, "It was a joy for them."

Councilmember Seekings said, "I think this is actually Councilmember Gregorie's district, but it's right on the edge of my district. This is a big deal. What they have come together to do between MUSC, Roper, and the City is to set up to build this incredible Medical District that will

really feel like the place to go, get better, and to learn and have Doughty Street be what it is. So, I just want to thank you all for what you have done to start off to make our community better, for sitting here and watching what we did. Please go back and report good things to Matt (Severance) and to Dr. Cole, and thank you to the Committee because this is, I think, Mayor, really a big deal and will be a huge asset to the City and our Medical District from here going forward. So, thank you all very much.”

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, “I would just like to say thank you to the Medical University Hospital also. We worked hard with them to get their smoke-free zone area, and I think they’ve done a great job. I will continue to support their efforts. Thank you.”

Mayor Tecklenburg said, “Are there any other questions or comments?”

No one asked to speak.

Mayor Tecklenburg said, “I would like to extend my thanks as well and echo my colleagues’ remarks about how wonderful and what a cooperative effort this will be for the City of Charleston and the Medical District. We thank you all.”

On a motion of Councilmember Williams, seconded by Councilmember Shahid, City Council voted unanimously to adopt the Committee on Public Works and Utilities Report as presented:

---INSERT COMMITTEE ON PUBLIC WORKS AND UTILITIES REPORT---

- Approval of a Memorandum of Agreement by and between the City of Charleston and MUSC regarding Doughty Street, Jonathan Lucas Street, and the Medical District Project.

Mayor Tecklenburg said, “Next, Committee on Ways and Means.”

Councilmember Seekings said, “So moved.”

Councilmember Mitchell said, “Second.”

Mayor Tecklenburg said, “Alright. Is there any discussion?”

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted to adopt the Committee on Ways and Means Report as presented:

---INSERT COMMITTEE ON WAYS AND MEANS REPORT---

(Bids and Purchases

(Police Department: Approval to submit the 2017 Hazard Mitigation Grant Program Application in the amount of \$99,669 to install a generator at the James Island Recreation Center for police safe harbor. A 25% match in the amount of \$24,917 will be requested in the 2018 budget.

(Police Department: Approval to submit the 2017 Hazard Mitigation Grant Program Application in the amount of \$75,000 for services to update the City’s addendum

to the Charleston County Hazard Mitigation Plan. A 25% match in the amount of \$18,750 will be requested in the 2018 budget.

- (Police Department: Approval to submit the 2017 Hazard Mitigation Grant Program application in the amount of \$101,192 to install a generator at the Police Team 4 (W. Ashley) team office for police safe harbor. A 25% match of \$25,298 is requested in the 2018 budget.
- (Traffic and Transportation: Approval to submit the National Complete Streets Coalition Grant application for the Safe Streets Academy. The Department of Traffic and Transportation will request to budget approximately \$12,000 for the budget year 2018.
- (Office of Cultural Affairs: Approval to accept a grant award from the National Endowment for the Arts, Art Works Grant Program in the amount of \$20,000. Funds will be used for marketing and promotion of the arts in Charleston and regionally. A City match in the amount of \$20,000 is required. The match will come from corporate sponsorships and from digital advertising revenues.
- (Office of Cultural Affairs: Approval to accept a grant from South Arts in the amount of \$2,128. Funds will support the Literary Corner event of the 2017 MOJA Arts Festival. A City match in the amount of \$2,128 is required. The match will come from corporate sponsorships.
- (Office of Cultural Affairs: Approval to apply for funding from the National Endowment for the Arts in the amount of \$50,000. Funds will be used to support marketing and centralized ticketing services to benefit local arts organizations and artists throughout Charleston. A City match in the amount of \$50,000 is required. The match will come from corporate sponsorships and from digital advertising revenues.
- (Parks-Capital Projects: Approval to submit an application to the SCEMD for the FEMA Hazard Mitigation Grant Program (HMGP – 4286) related to Hurricane Matthew. This grant is for the structural retrofit of Fire Station No. 2 & 3 at Meeting & Wentworth Street. Constructed in 1887, FS 2 & 3 is a historic unreinforced masonry structure that is highly susceptible to damage from earthquakes, hurricanes, flooding, and other natural disasters. The total estimated cost for this work is \$8,361,410. FEMA would provide 75% of the required funding, or \$6,271,057 on a reimbursable basis. The City's matching funds would be \$2,090,353. Work is expected to require approximately three years from the grant acceptance. If awarded, the grant would be implemented in two phases. Phase One would include design and permitting necessary to implement the work (City match: \$182,801), requiring approximately 72 weeks. Phase Two is the physical work of the structural retrofit, including minor site modifications (City match: \$1,907,552), requiring approximately 82 weeks. Timelines are subject to modification based on permitting, approval schedules, etc. Funding could be available as early as 4Q 2017. There is no fiscal impact for this action. An approval of the grant application will only allow the Parks Department to submit the document to FEMA via the SC Emergency Management Division. However, the fiscal impact will occur if the grant application is approved for award. The application must be uploaded to the SCEMD system by August 1, 2017 for consideration.
- (Parks-Capital Projects: Approval to submit an application to the SCEMD for the FEMA Hazard Mitigation Grant Program (HMGP-4286) related to Hurricane Matthew. This grant is for the structural retrofit of Fire Station No. 8 on Huger Street. Constructed in 1910, FS 8 is a historic unreinforced masonry structure that is highly susceptible to damage from earthquakes, hurricanes, flooding, and

other natural disasters. The total estimated cost for this work is \$3,869,643. FEMA would provide 75% of the required funding, or \$2,902,232 on a reimbursable basis. The City's matching funds would be \$967,411. Work is expected to require approximately three years from the grant acceptance. If awarded, the grant would be implemented in two phases. Phase One would include design and permitting necessary to implement the work (City match: \$93,538), requiring approximately 72 weeks. Phase Two is the physical work of the structural retrofit, including minor site modifications (City match: \$873,873), requiring approximately 82 weeks. Timelines are subject to modification based on permitting, approval schedules, etc. Funding could be available as early as 4Q 2017. There is no fiscal impact for this action. An approval of the grant application will only allow the Parks Department to submit the document to FEMA via the SC Emergency Management Division. However, the fiscal impact will occur if the grant application is approved for award. The application must be uploaded to the SCEMD system by August 1, 2017 for consideration.

(Parks-Capital Projects: Approval to submit an application to the SCEMD for the FEMA Hazard Mitigation Grant Program (HMGP-4286) related to Hurricane Matthew. This grant is for the installation of permanent back-up power systems at four existing fire stations (Stations 2&3, 8, 12, and 17). These systems would replace existing undersized generators with new diesel generators and auxiliary fuel tanks capable of providing full power to the stations for a minimum of one week. The generators to be replaced range in age from 20-38 years. The total estimated cost for this work is \$460,602. FEMA would provide 75% of the required funding, or \$345,451, on a reimbursable basis. The City's matching funds would be \$115,151. Work is expected to require approximately sixteen months from the grant acceptance. If awarded, the grant would be implemented in a single phase. Timelines are subject to modification based on permitting, approval schedules, etc. Funding could be available as early as 4Q 2017. There is no fiscal impact for this action. An approval of the grant application will only allow the Parks Department to submit the document to FEMA via the SC Emergency Management Division. However, the fiscal impact will occur if the grant application is approved for award. The application must be downloaded to the SCEMD system by August 1, 2017 for consideration.

(Parks-Capital Projects: Approval of a Professional Services Contract and Fee Amendment #9 with Davis & Floyd, Inc., in the amount of \$35,000 to provide traffic data collection services before and during the pending two-way traffic conversion of Spring and Cannon Streets. Traffic data collection will be used to evaluate the efficacy of the two-way conversion by providing information on the quantity and travel speed of vehicles at key locations. Fee amendment is a not-to-exceed \$30,000 along with reimbursable expenses being increased by \$5,000 due to an extended contract period during the CWS water main replacement and overlap with Spring-Fishburne Drainage project. The total project budget remains unchanged. The contract time will increase by 790 days to a new contract completion date of December 31, 2017. Approval of the fee amendment will increase the existing contract with Davis & Floyd, Inc. by \$35,000 from \$209,371.83 to \$244,371.83. The overall contract amount for design and engineering professional services will increase from \$821,182.83 to \$856,182.83. The funding sources for this project are: 2000 General Fund Reserves (\$300,000) and Gateway TIF (\$5,852,128). Work must occur beginning within a 3-week period after Spring/Fishburne Drainage, Phase 2 has completed street closures

on President Street (estimated mid-July) and during the 6-8 week period following the full conversion to two-way traffic.

(Public Service: Approval for Vac Vision Environmental, LLC to make spot repairs and line the existing storm drain in Ashley Avenue from Broad to Tradd Street in the amount of \$83,250.

(Public Service: Approval for B&C Land Development to repair a broken storm drain in the amount of \$112,729 on Colonial and Tradd Streets and install a cured in place pipe liner (CIPP) on Tradd to prevent the collapse of the existing storm drain between Rutledge and Colonial Streets. A part of the work was performed as an emergency repair due to the need to prevent possible damage to the surrounding streets and properties.

(Public Service: Approval of lump sum work authorization #7 under existing Master Agreement for Professional Services with AECOM in the amount of \$245,913 to update the Stormwater Design Standards Manual and Stormwater Ordinance to comply with the latest State requirements. As noted in the cover memorandum for this agenda item, the revised Manual will focus on improving processes, modernizing stormwater management practices, and engaging with technical professionals during Manual revision. Drainage funds will be used for this contract.

(Traffic and Transportation: An ordinance authorizing the Mayor to execute on behalf of the City of Charleston Franchise Agreements with Low Country Vendors, Mark Ryerson, Christopher Grimalda, Chun Hong Chan, Andrew Spatidol, and Sassyass Coffee for certain designated spaces within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from stationary carts or other devices. ***(Councilmember Gregorie abstained from voting on this item during the Committee on Ways and Means meeting.)***

(Request approval to enter into a Special Use Permit with the U.S. National Park Service for the First Day Festival at Liberty Square. The Permit begins at 8:30 a.m. on August 11, 2017 and ends at 6:00 p.m. on August 13, 2017. There is no fee associated with the Permit. The City must leave the area in the same condition as it was found.

(Request authorization to execute the Lease Agreement for the City to lease 134 Cannon Street from 134 Cannon Street, LLC, for use as a cultural arts and performance center. (TMS: 460-11-04-1558)

(Request approval for the Mayor to execute the Right of Way Easement whereby the City grants the Commissioners of Public Works a non-exclusive right-of-way and utility easement for the 99 West Edge Project. (99 West Edge; TMS: 460-00-00-022) The property is owned by the City of Charleston.

(An ordinance authorizing the Mayor to execute on behalf of the City a Quitclaim Deed to Gadsden Development Company II, LLC conveying to Gadsden Development Company II, LLC any interest of the City to a strip of land constituting the northern portion of Laurens Street as it abuts TMS. No. 458-01-02-063, said strip measuring six inches in width by 341.96 feet in length, for a consideration of \$19,446.12, the form of said Quitclaim Deed being subject to approval of the Office of Corporation Counsel.

(Consider the following annexations:

-- Bender Street (TMS# 418-07-00-018) 0.13 acre, West Ashley (District 3). The property is owned by the City of Charleston.

-- Oakville Plantation Road (TMS# 317-00-00-007) 18.61 acres, Johns Island (District 5). The property is owned by Keith W. Lackey, et al.

First reading was given to the following bills:

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston Franchise Agreements with Low Country Vendors, Mark Ryerson, Christopher Grimalda, Chun Hong Chan, Andrew Spatidol, and Sassyass Coffee for certain designated spaces within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from stationary carts or other devices.

An ordinance authorizing the Mayor to execute on behalf of the City a Quitclaim Deed to Gadsden Development Company II, LLC conveying to Gadsden Development Company II, LLC any interest of the City to a strip of land constituting the northern portion of Laurens Street as it abuts TMS. No. 458-01-02-063, said strip measuring six inches in width by 341.96 feet in length, for a consideration of \$19,446.12, the form of said Quitclaim Deed being subject to approval of the Office of Corporation Counsel.

An ordinance to provide for the annexation of property known as Bender Street (0.13 acre) (TMS# 418-07-00-018), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by City of Charleston.

An ordinance to provide for the annexation of property known as Oakville Plantation Road (approximately 18.61 acres) (TMS# 317-00-00-007), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Keith W. Lackey et al.

Councilmember Seekings was excused from the Chamber at 9:49 p.m.

Mayor Tecklenburg said, "We're going to defer our two bills that were up for third reading until our August meeting, as I think you all know."

The Clerk said, "That is correct."

Mayor Tecklenburg said, "Next, are our bills up for second reading."

Councilmember Mitchell said, "Move for approval of Items L-1 through L-11."

Councilmember Lewis said, "Second."

The Clerk said, "Items L-1 through L-11. Thank you."

Mayor Tecklenburg said, "Items L-1 through L-11, we're going to take them all together. Is there any discussion on any of those?"

No one asked to speak.

Mayor Tecklenburg said, "Now, we want to go back to Items E-10 and E-11."

The Clerk said, "Let's ratify."

Mayor Tecklenburg said, "I'm sorry. Next, third reading and ratification of Items L-1 through L-11."

Councilmember Mitchell said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Move for approval and a second."

On a motion of Councilmember Mitchell, eleven (11) bills (Items L-1 through L-11) received second reading. They passed second reading on motion by Councilmember Lewis and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Shahid, the rules were suspended, and the bills were immediately ratified as:

- 2017-070** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS BEES FERRY ROAD AND HUGHES ROAD (12.439 ACRE) (TMS# 287-00-00-054; AND 287-00-00-347), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5. THE PROPERTY IS OWNED BY HEIRS OF PHILLIS WASHINGTON.
- 2017-071** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 938 SAVANNAH HIGHWAY (0.15 ACRE) (TMS# 418-13-00-191), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 3. THE PROPERTY IS OWNED BY DEBRA U. MYERS.
- 2017-072** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2240 PINEHURST AVENUE (WEST ASHLEY) (0.30 ACRE) (TMS #358-15-00-023) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON MAY 23, 2017 (#2017-058), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY CHRIS MASON.
- 2017-073** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY ON BROWNSWOOD ROAD (JOHNS ISLAND) (0.13 ACRE) (TMS #280-00-00-054) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON APRIL 25, 2017 (#2017-042), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY PHILLIP SIMMONS.
- 2017-074** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, ARTICLE IX, SECTION 21-191 TO ADD A SEPARATE OFFENSE FOR OPPOSING OR RESISTING A LAW

ENFORCEMENT OFFICER WHO IS SERVING, EXECUTING, OR ATTEMPTING TO SERVE OR EXECUTE A LEGAL WRIT OR PROCESS OR RESISTING ARREST IN ORDER TO ENSURE THAT THE CITY'S CODE DOES NOT CONFLICT WITH STATE LAW AND TO REMOVE REFERENCES TO CITY POLICE DEPARTMENT HORSES WHICH ARE NO LONGER UTILIZED BY THE DEPARTMENT.

- 2017-075** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A FIRST AMENDMENT TO AMENDED AND RESTATED TRANSFER AND DEVELOPMENT AGREEMENT DATED AUGUST 16, 2016, BETWEEN THE CITY AND THE HOUSING AUTHORITY OF THE CITY OF CHARLESTON PERTAINING TO THE TRANSFER AND DEVELOPMENT OF PROPERTIES LOCATED IN THE VICINITY OF THE SOUTHERN INTERSECTION OF LEE STREET AND NASSAU STREET AS SHOWN ON A PLAT ATTACHED TO THE AMENDED AND RESTATED TRANSFER AND DEVELOPMENT AGREEMENT AS PARCELS A AND J.
- 2017-076** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A GOVERNMENTAL REAL ESTATE LEASE WITH THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES PERTAINING TO OFFICE SPACE AT AND PARKING AT 180 LOCKWOOD DRIVE.
- 2017-077** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1796 GUN CLUB ROAD (0.34 ACRE) (TMS# 354-03-00-052), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 2. THE PROPERTY IS OWNED BY RONALD A. AND VICTORIA A. ROTZKO.
- 2017-078** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1642 PIERPONT AVENUE (0.46 ACRE) (TMS# 353-03-00-129), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 10. THE PROPERTY IS OWNED BY DAN AND PAMELA DUGAN.
- 2017-079** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2093 GREEN PARK AVENUE (0.40 ACRE) (TMS# 355-15-00-098), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 2. THE PROPERTY IS OWNED BY LAURA A. BRADSHAW.
- 2017-080** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A THIRD AMENDMENT TO SITE LEASE BETWEEN THE CITY AND WITH CHARLESTON MARINE ASSOCIATES PERTAINING TO PROPERTY LOCATED AT 3 LOCKWOOD DRIVE.

The Clerk said, "Then, we'll go back to Items E-10 and E-11."

Mayor Tecklenburg said, "Now, we'll go back to Items E-10 and E-11, finally, for the rezoning."

Councilmembers Gregorie and Seekings returned to the Chamber at 9:50 p.m.

Councilmember Moody said, "We've also got Councilmember Gregorie's return for his Committee Report."

Mayor Tecklenburg said, "Councilmember Gregorie."

Councilmember Gregorie said, "Nothing to vote on, just information only."

Mayor Tecklenburg said, "Okay, you want to give us a report? Councilmember Gregorie, did you want to make some kind of report on your meeting?"

Councilmember Gregorie said, "Yes, we did meet, and we had some discussions, but there is nothing for this body to consider at this time."

Mayor Tecklenburg said, "Alright. So, next, we're going to go back to Items E-10 and E-11 to give them second reading and for rezoning."

Councilmember Mitchell said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion or questions about Items E-10 and E-11 under our public hearings?"

No one asked to speak.

On a motion of Councilmember Mitchell, two (2) bills (Items E-10 and E-11) received second reading. They passed second reading on motion by Councilmember Lewis and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Williams, the rules were suspended, and the bills were immediately ratified as:

2017-081 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT BEES FERRY ROAD AND HUGHES ROAD (WEST ASHLEY) (APPROXIMATELY 12.439 ACRES) (TMS #287-00-00-054 AND 287-00-00-347) (COUNCIL DISTRICT 5), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY THE HEIRS OF PHILLIS WASHINGTON.

2017-082 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 938 SAVANNAH HIGHWAY (WEST ASHLEY) (0.15 ACRE) (TMS #418-13-00-191) (COUNCIL DISTRICT 3), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY DEBRA MYERS.

Mayor Tecklenburg said, "Now, then, finally, we have our bill up for first reading that attorney Barr mentioned in his remarks."

Councilmember Shahid said, "Move for deferral."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion for approval?"

The Clerk said, "Deferral."

Mayor Tecklenburg said, "Another move to defer."

The Clerk said, "Yes, Councilmember Shahid and Gregorie."

Mayor Tecklenburg said, "Okay, and we have a second, do we want to have any discussion about that there? Councilmember Moody."

Councilmember Moody said, "Did we vote on this last time?"

Councilmember Seekings said, "No, we deferred it."

Mayor Tecklenburg said, "We deferred it last time."

Councilmember Moody said, "If you have more than one deferral, what does that do?"

Councilmember Seekings said, "We can have two."

Mayor Tecklenburg said, "We can continue to defer it."

The Clerk said, "It's not a problem."

Mayor Tecklenburg said, "Can I ask our Councilmembers, particularly those who are counsel, if they reviewed those documents that were provided and have any comments or opinions on them at this point, while I sign?"

Councilmember Seekings said, "Mayor Tecklenburg, I did. I have them, and I read them. I would prefer to talk to Councilmember Wilson about it first. It's an interesting conundrum, I think."

Mayor Tecklenburg said, "Correct."

Councilmember Seekings said, "Mr. Barr did send this to us, me specifically, and I have reviewed it, and I spoke with Mr. Barr, too. I just want to make sure I talk to Councilmember Wilson."

Mayor Tecklenburg said, "Right."

The Clerk said, "The Clerk's Office would like to thank Mr. Barr because he sent us a copy, as well. He saved us from doing some research."

Mayor Tecklenburg said, "If I could ask Council's indulgence, since Mr. Barr only had the 90 seconds, if you would like to address Council on this matter any further, we would welcome your remarks."

Mr. Barr said, "I know it's late, Mr. Mayor and members of Council. The only thing I wanted really to clarify was that I think Councilmember Wagner, particularly, was concerned about the prospect of a 50-foot building being next to these houses. I was tired at the time. I'm not tired tonight."

Councilmember Mitchell said, "I'm tired."

There was laughter in the Chamber.

Mr. Barr continued, "But, I would have thought to look at the Master Deed, and the Master Deed controls. The Master Deed restricts the construction of what is to be put on this site, the same configuration as the other buildings, which are 33 feet. I will say, I realize the matter is being deferred, but with me tonight is Adam Baslow of New Leaf Builders. Mr. Baslow has met with Councilmember Wilson and several of the neighbors to explain this to them, as well. So, it's a matter that we'll be prepared to be present for and to contribute to at the next Council meeting."

Mayor Tecklenburg said, "Great. Terrific. So, the next kind of Special Meeting, we won't be taking up this matter because it's a Workshop Meeting on July 27th, but the next Regular Meeting, which we will do that at, is August 15th, and we look forward to seeing you there."

Mr. Barr said, "Very good. Thank you very much."

Mayor Tecklenburg said, "Is there any further business to come before this Council tonight?"

No one asked to speak.

Mayor Tecklenburg said, "We are hereby adjourned. Thank you."

There being no further business, the meeting was adjourned at 9:54 p.m.

Vanessa Turner Maybank
Clerk of Council